TELOS

Number 85 Fall 1990

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Vaclav Havel's Heideggerianism
Aviezer Tucker

Schmitt's 'Testament' and the Future of Europe: Four Exchanges
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Rupert Taylor: Consociation or Democracy?
Heribert Adam: South Africa and East Europe
Frederick Johnstone: Politics of Group Rights

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Telos

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Introduction

Marx's famous statement in the *18th Brumaire* to the effect that people tend to approach the future from the viewpoint of the past and Clausewitz's observation that generals always prepare to fight yesterday's wars have had the misfortune of becoming *clichés* before becoming part of popular wisdom. Thus it is not surprising that the meaning of recent epoch-making events in Eastern Europe and the USSR has yet to register. The Left either attempts to show that nothing has really changed, or else reduces the new to merely another chapter of the old eschatological narrative, so as to guarantee the happy socialist ending and justify its New Class *raison d'être* as the midwife of this brave new world.

This debilitating logic takes its toll both on actors as well as interpreters. Rupert Taylor's and Aviezer Tucker's respective analyses of South Africa's ruling Afrikaaner "consociation theory" and of Vaclav Havel's Heideggerianism show the extent to which the political elite in both South Africa and Czechoslovakia deploy either *völkisch* homilies or long discredited corporatist theories predicated on ethnicity in projecting their future. In both cases, events are systematically misread by Western public opinion and its intellectual managers: Havel's clearly spelled out Heideggerian positions are ignored and substituted with conformist new slogans about "civil society" or liberal democracy, while the Afrikaaners' "consociation" ploy is homogenized into a nebulous negotiating process. Yet the interpreters themselves fall victim to the logic they seek to demystify by contraposing to misunderstandings of these projects of social reconstruction equally shallow notions of democracy. As Heribert Adam shows, violent black opposition to the ANC attempt to impose what is essentially a narrow middle-class strategy on the *whole* black population has exploded the myth of a homogeneous black opposition subsumable under the ANC umbrella. Similarly, Frederick Johnstone points out the shortsightedness in assuming that a simplistic democratic model in South Africa and elsewhere will successfully exorcise deep ethnic divisions. While the Afrikaaners' attempt to substitute "consociation" for a broader democratic model is clearly an opportunistic maneuver to appear to yield power while actually retaining it, South African realities are too complex to be managed by a fuzzy "democratization."

As Johnstone demonstrates, this problem is by no means limited to South Africa: it has become *the* paradigmatic problem of our times, from Lithuania to Tibet, from debates about language in Canada to parallel ones about Affirmative Action in the US. The populist particularism of various grass-root communities and groups clashes everywhere with the abstract universalism of the New Class promising "liberty, equality and siblinghood (fraternity is definitely *demodé*)" but usually delivering inefficient administrative apparatuses and new,

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more subtle forms of domination. This has been the subject of intense internal debates within the *Telos* editorial board which we have decided to make public by publishing a series of exchanges in this issue in the form of letters. Taking as the point of departure the radical federalism model proposed in *Telos* 83 in relation to Carl Schmitt's legacy and its implications for the coming European unity, these four exchanges explore ways of reconciling a genuine popular sovereignty rooted in a communitarian participatory democracy within a pluralistic political context able to contain New Class domination inherent in the all-pervasiveness of universalizing bureaucratic management.

As usual, the academic owl of Minerva is being delayed in takeoff by a thick conceptual fog no amount of linguistic clarification seems able to dissipate. As Russell Berman points out, far from responding to rapidly changing historical conditions, what Susan Buck-Morss calls the "international generation" of ex-New Left intellectuals has become so obsessed with language and deconstruction that they seem to have forgotten about reality. However, the post-structuralists' ultra-radicalism has had a different agenda in pursuing institutional power. The critique that claimed to undermine everything (and thus left everything as it was) fit all too well with the neo-conservatism of the 1980s. Its fragmenting relativism meant to relegate all criticism to *immanent* ghettoes (where genuflection to shared prejudices is the precondition for participation in discourse) successfully protected mediocrity and irrelevance from exposure, while relegitimating the old *apparatchik* logic of academic opportunism. Berman argues that this inglorious phase of academic involution closed with the 1988 controversy concerning the de Man affair. Maybe.

At the beginning of this century Robert Michels wrote about a theory of circulating elites, whereby natural elites tend to reassert themselves in whatever new circumstances develop. The theory never had much of an impact at that time, but may have application today — modified to deal with the circulation of academic cretinism. As Andrew Fraser indicates, the same malady that has infected English and Comparative Literature departments has also had its counterpart in American Law Schools, where Critical Legal Studies has played a similar role. In a reply to a review of his book, he points out how distrust of the legal profession in general has led Critical Legal Studies to delegitimate law as such and thus pave the way for that same "super-legality" shown elsewhere in this issue to be responsible for many of the problems of this century. Similar patterns are located by Jacoby in various quixotic efforts to relegitimate the role of academic intellectuals. Apparently, as the defeated Parisian students wrote on the walls in 1968: "*la lutte continue*." Fortunately, it did not.

Paul Piccone

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Troping to Pretoria: The Rise and Fall of Deconstruction

Russell A. Berman

Deconstruction combined a theoretical skepticism toward language -- no meaning is fully fixed or exhaustively definable — with a practical realism in pursuit of institutional power. The radical doubt, on the one hand, permitted the deconstructive critic to claim an oppositional stance, an ostentatious hostility to authoritarian structures, reason and universalism, logocentrism and Western metaphysics. The conservative *Realpolitik* of the deconstructive academy, on the other, permitted it to occupy positions of considerable authority in many of the most prestigious American universities during the deconstructive decade: from the publication of the English translation of *Grammatology* in 1976 to the public debate in 1988 over Paul de Man's collaborationist activities in Nazi-occupied Belgium. Is it fair to label the apparent tension between radical claims and institutional conformism unprincipled or hypocritical? Presumably the deconstructive critic's reply would point out my own reliance on two contradictory terms, theory and practice, a splendid example of just that sort of binary oppositions endemic in post-Socratic philosophy which it is the proclaimed program of deconstruction to dismantle, along with subject and object, male and female, etc. — as if an appreciation of an egalitarian agenda in some fields, such as gender or race relations, necessarily required the obliteration of differences in all fields: a strangely totalitarian consequence of a credo that otherwise flaunts an anarchic, libertarian posture. Refusing to provide an account of its own institutional practice, deconstrucion appears frighteningly naive when it occasionally makes political claims, despite or rather because of its neo-Heideggerian

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extremism, which thrives on an unlimited irresponsibility. For it is, after all, "always already" only verbal radicalism; hence the rallying cry that there is nothing beyond the text. Far from trying to change the world, deconstruction does not even want to interpret it but smugly abolishes it instead, writing it off as a figment of the imagination of language. Wars and revolutions are, if noticed at all, regarded as just so many texts and documents: fine enough, unless you get in the way of a bullet.

If one turns a deconstructive eye on deconstruction itself, it is not too hard to find traces of its history within its own texts. Jeffrey Mehlman has documented the deferential, indeed obsequious language Jacques Derrida opted to use in essays and addresses at major universities: the *enfant terrible* turns out to be a regular guy. In "Living On," included in a volume edited by Yale critic, Harold Bloom, Derrida sports "a key in the *recit*, a 'Yale' key." In "The University in the Eyes of its Pupils," a 1983 lecture at Cornell, "reason perched precariouly above its abyss is the Cornell campus atop its suicidal gorges," or, "the topolitics of the Cornellian point of view." And at the University of Virginia, Derrida appealed to Thomas Jefferson and wrapped himself in the Declaration of Independence, read as a proto-deconstructive investigation into the duplicity of signification. For Mehlman, this amounts to "literary adulation" to ensure "academic respectability," a strategy that has effectively ensconced a new literary critical orthodoxy that dwells on the pretense that it is anti-establishment.[1] Yet one can experience this antinomy of deconstruction as painful only if one expects it, as does Mehlman, to live up to its self-advertising as subversive. On closer examination, however, there is no reason to expect the literary-critical establishment of the 1980's to be anything but conformist, despite its plethora of adversarial gestures. To be sure, Mehlman exposes the degree to which deconstruction is ready to curry favor, and — true to the deconstructive project — he traces the self-subversion of the deconstructive text. But a deconstruction of deconstruction, like all deconstruction, turns out to be ultimately inadequate, providing at best a precious but always unilluminating reading, prudishly fearful of going beyond the text. Deconstruction wants to handle texts without getting its fingers dirty; before it picks up a book, it puts on gloves to avoid contamination with reality. A full account of the political history of deconstruction's rise and fall would have to go further than the text and ask about the context, the academy, contemporary culture and wider social changes.

1. Jeffrey Mehlman, "Writing and Deference: The Politics of Literary Adulation," *Representations* 15 (Summer 1986), pp. 1-2.

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That full account would entail a cultural history of the US from the sixties through the Reagan presidency. The political struggles and social transformations of the Civil Rights era and the student movement accelerated developments already inherent in the multiversity of the postwar period. Traditionalist readings of cultural material grew obsolete in the age of Sputnik, just as Eurocentrism became dysfunctional for cultural hegemony after decolonization. The curricula of literary studies were in desperate need of reform and expansion, and the inherited methods of reading were equally ripe for change. New Criticism, with its allegiances to Southern conservatism, was particularly out of place, and the cultural-revolutionary aspects of the sixties fostered important innovations: canon reform, radical rereadings, new methodologies, interest in literary subjects and society, media studies, cultural studies and, above all, the recognition of the priority of change over ossified hierarchy. The humanities suddenly ran the risk of fulfilling their genuine potential as the center of a critical university, concerned with the values and choices a culture always makes. Deconstruction provided the welcome opportunity to close off the possibility of innovation and to bring the business of ideology production back to normal: welcome both for former radicals in the pursuit of careers and for the ideological structure and its agenda of stabilization. The radical rhetoric of deconstruction masked a deep-seated opportunism, allowing for the simultaneity of subversive credentials and reassuring ineffectuality. In fact, there has been nowhere a positive contribution by deconstruction to the radical vision; every ostensibly oppositional claim within deconstruction can be found expressed in greater clarity, with more persuasiveness, and through superior arguments earlier and elsewhere: in the Frankfurt School, the Situtationists, garden-variety neo-Marxisms, or even standard liberalism. One hardly needs to jettison Western metaphysics with the help of Heideggerian jargon in order to oppose discriminatory legislation. The opposite is more plausible: without a utopian *telos*, no emancipatory project. The best one could say for deconstruction, then, is that it marks the termination of the radicalism of the sixties: preserving the radicalism as tropic gesture but bringing it to an end as social practice.

But even that morose diagnosis is not harsh enough. For deconstruction not only represented the reification of radicalism; it also participated in the new era of conservatism that gradually emerged during the 1970s to come to a head in the Reagan era. That conservative hegemony has been, and remains, internally complex, encompassing different tendencies that are nearly mutually exclusive: supply-side economics with its

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libertarian, anti-statist rhetoric as well as the value-conservatism of moralism, traditionalism, and fundamentalism. Deconstruction cannot be equated with either. The point is rather that the "young conservatism" of deconstruction encompasses elements that resonated closely with the new powers-that-be: a rejection, indeed denunciation of emancipatory projects, a return (with some notable exceptions) to an increasingly restrictive canon of texts, a reconstruction of literary studies as an elitist undertaking, and, especially, the insistence on a definitive separation of literature from politics; the only revolution it imagines is the revolution in the literary text.[2]

Deconstructive conservatism? The notion runs counter to received opinions. Traditionalists fear and loathe the imagined deconstructive threat to established authority (including authoritative readings), and many of the adherents to deconstruction believe that their "critique of Western metaphysics" is riskily oppositional, maybe even so very courageously anti-imperialist. To be sure, deconstructive critics do not sound like traditionalists, their writing style is different, and they tend to publish in different journals with different networks of citations and professional indebtedness. Otherwise, the difference between deconstruction and conservative criticism is nil. The accounts of literary texts that deconstruction generates still revolve around the central formalist tenet of New Criticism that literature is largely about literature, writing about writing. Where New Criticism tended to value cohesive or rounded texts, a deconstructive taste opts for the fragmented and broken: a recognizably romantic move which is not therefore necessarily retrograde but hardly evidence of the radicalness deconstruction claims for itself. It is, however, definitively repressive in its canonizing practice of shifting literary-critical attention away from aesthetic and toward philosophical texts, i.e., literary criticism reads Kant and Hegel as literature, thereby occluding the sensuous and aesthetic specificity of art. The tension between radical claims and conservative practices is indicative of the deconstructive setting in general. Emerging from a diffuse opposition to established culture, deconstruction has made its way into the establishment by making its peace. This is another overlap with Reaganism. The various currents of political and cultural disaffection that flow through the life-world are mobilized, shaped, channelled — and short-circuited. In the political sphere, Reaganism failed to carry out its own anti-statist rhetoric. In the cultural sphere, deconstruction betrayed the cultural revolution. In both

2. Jürgen Habermas, "Modernity versus Postmodernity," *New German Critique* 22 (Winter 1981), p. 13.

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cases, the outcome entails a minimally new version of old vertical hierarchies: the elite is in power, the losers are banished into populist margins. The apparent differences between the aesthetic establishment (even when most deconstructive) and the political establishment (even when most Republican) are just fractional struggles within the elite. A contemporary critical theory that takes the radical project seriously would do better to turn its eyes toward the eclipsed life-worlds of community: the site of a concrete democracy (instead of abstract statism) and lived values (instead of empty tropes).

Deconstruction has participated in the conservative hegemony in a further and more crucial manner, close to the heart of the Reaganite legacy. For Reaganism was not at all, primarily, a matter of a triumphant cultural conservatism of the sort advocated by Bennett or Helms, no matter how much such figures mobilized and exploited archaic sentiments in parts of the electorate. The hallmark of Reaganism lay elsewhere: the definitive entrenchment of a manipulative media politics, the displacement by image of content or substance, an extensive aestheticization of politics and everyday life. Rhetoric and style, rather than coherence or even reference, have become the important parameters of political theater. No wonder that a theory of language that preaches the dogma of non-referentiality could attain plausibility in that setting of universal mendacity. The deconstructive rejection of any communicative capacity in language is the philosophical justification of the presidential *parole*. The celebration of rhetoric is the heart and soul of the culture of speech writers. The doctrine of the free-floating signifier is the transubstantiation of the teflon presidency: beyond good and evil, beyond logocentrism, and beyond congressional subpoena.

To locate deconstruction within a contemporary aestheticization of politics draws on arguments from Walter Benjamin's seminal essay of 1935, "The Work of Art in the Age of Mechanical Reproduction." A second complex from that text illuminates a further practice of deconstruction: the history of aura. Benjamin argues that art, originating in cultic practice, undergoes a long course of secularization, the loss of aura, a process potentially accelerated by modern technological means of reproduction. Hence he suggests that the industrial production of film could result in an emphatically modern art form with augmented rational and critical character. The "cult" of film stars, on the other hand, represents an artificial and retrograde attempt to retain aura after its *de facto* obsolescence. Deconstruction can be viewed in a similar light, and not only because of the blurring of the difference between scholarly professors and

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media figures. After the attack on aesthetic autonomy by structuralism, Marxism, and various political forces, deconstruction represented an effort to roll back the spread of secularizttion into the world of art. Hence the religious, often nearly clerical atmosphere in deconstructive seminars: the aura has returned, the master speaks, the acolytes murmur. Hence also the preference for romantic texts and metaphors of violence: now the critic is the poet-priest. The point is not comprehension but belief, *credo quia absurdum*, for the alternative would be banal logocentric rationality. Literature, beyond ratiocinative explanation (denounced as reductionist), becomes mystery, sacrament, catachresis, and studied obscurity becomes a virtue. The more religiously deconstructive critics behave, the more they effectively recover the theological origins of the thinker from whom they inherit the most: Heidegger. And the more deconstruction, within the universities, reveals itself to be, *au fond*, a theological (albeit a godless one) refusal of science and humanism, the more it concedes its proximity to the other contemporary opponent of secular humanism: the religious right, largely outside the university. Here too the trace of the Reagan era, the subterranean complicity of a manipulated populist fundamentalism and deconstructive anti-fundamentalism.

So the "academic respectability" of deconstruction is not at all just a product of political deference or opportunist metaphors, no matter how many tenured positions that rhetoric may have extorted from deans. It is not the case that the pursuit of institutional integration meant a betrayal of a radical project, proudly disrespectful of tradition. There was never anything to betray: deconstruction has operated as an ideological transformer, stifling radicalism, buttressing conservatism, and halting the secularization of cultural studies. This operation, moreover, is not a consequence of context — let us lend no credence to an "encirclement" hypothesis, whereby an original and pure (and presumably "French") deconstruction was somehow distorted by the putatively hostile environment of traditionalist English departments or an American antipathy to theory; it is, rather, the consequence of key deconstructive tenets, especially 1) the privileging of language, 2) the opposition of writing and speech, and 3) the critique of Western metaphysics. Each point, as will be shown in turn, has had a debilitating effect on the critical imagination.

To privilege language means to marginalize other dimensions of existence, both the physical cosmos and alternative aspects of human experience. Deconstruction is not the sole contemporary account that focuses on language; one thinks immediately of Habermas' theory of communicative action and Foucault's discourse theory. Indeed, despite

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the polemics carried on among them — *vide* the hundreds of essays on Foucault and Habermas — communicative action, discourse theory, and deconstruction are only minimally distinguished variants of the same linguistic turn in cultural theory, the hegemonic status of which indicates the privileged position of language experts — intellectuals and other manipulators of symbolic systems — in the age of the informational society. Yet for both Habermas and Foucault, despite the distance that separates them, language operates at least upon or within other material. Deconstruction alone refuses to go beyond the linguistic text or, what amounts to nearly the same, casts everything as a function of language. Deconstruction is the restaurant where one can only order the menu; to inquire, crudely, as to the whereabouts of the beef elicits the anemic response that it is in the text, *à la carte*. Let them eat tropes! As might be expected, the literary results include extremely impoverished accounts of cultural objects. Why then insist on the linguistic privilege so rigorously? The answer can be sought in a pivotal debate over Rousseau's *Second Discourse*.

The debate involves the relation between the first part, the construct of a "state of nature," and the critique of civilization and inequality in the second part. For Jean Starobinski, Rousseau is the founding theoretician of democratic theory, and he therefore defends the leap between the two sections: the "state of nature" hypothesis is necessary to imagine an alternative to contemporary hierarchy and, at the same time, the metahistorical origin of the developments described in the sequel. Against Starobinski, de Man makes the classical deconstructive move, insisting on the internal incompatibility of the text; the initial fiction is treated as epistemologically antithetical to the subsequent historical claims. For Starobinski, Rousseau is the advocate of equality and historical progress, while de Man plays out fictional and realistic, metaphoric and referential elements within the Discourse in order to unravel it and "subvert" a primary text of the modern doctrine of political progress, denounced as solely an internally flawed narrative.

The altercation comes to a head over a reading of a single clause. Because the mind grasps ideas only in their verbal form, Rousseau claims that animals, lacking language, can never acquire ideas nor, he continues, "never acquire the perfectibility that depends on it." For Starobinski, the clause is "determinative and not explicative," since other modes of perfectibility — history — may not depend on language. De Man, of course, provides the opposite account: history is always dependent on language — history is only a function of language — which

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is always "conceptual, figural, metaphorical," never referential. Therefore to imagine that the terms of language are ever anything but a figure of speech is a "deceitful misrepresentation of an original blindness," whereby the figure of speech de Man is most insistent on preserving from literalist misunderstanding is the assertion of human equality.[3] Starobinski's advocate of egalitarianism suddenly becomes a teller of tales, signifying nothing. The privileging of language means that all social relations and the Rousseauian social contract are always only metaphorical; therefore any claims to the equality of its participants may be rhetorically persuasive but have no other validity.

De Man has to resort to some remarkable distortion to fit the Rousseauian text into his own tendentious account (his use of elliptical omissions is particularly strategic — some things are apparently beyond his text). One can only wonder what polemical animus drives him to attack Starobinski for "repressing" the passage that Starobinski addresses directly.[4] Yet it is above all the insistence that history and progress are always solely intralinguistic that accounts for his illiberalism and the bashful reluctance of other deconstructive critics to move beyond rhetorical analysis.

It is, however, not language in general that deconstruction takes as its object of study but the written text, as opposed to the spoken word. What is at stake in this polemical opposition (a false opposition, since writing and speech are obviously not mutually exclusive)? A theory of spoken language might plausibly depend on the presence of speakers, i.e., human subjects engaged in dramatic exchanges of meaning. Language would consequently be regarded as a vehicle for potential, if flawed, communication and understanding, as well as misunderstanding, incommensurable expressivity, and poetic articulation. This argumentative route — Habermas pursues a version of it — tends to tie the sense of the utterance to the intention of the speaking subject. From the standpoint of deconstruction, this model of spoken language, labelled "phonologocentrism," is rejected because of its reliance on a philosophy of "subjects," which, in good Heideggerian fashion, is denounced as part of a Western metaphysics of subject and object. Furthermore, the equation of the meaning of an utterance with the intention of a speaker deflects attention from language itself and on to the specific historical,

3. Jean-Jacques Rousseau, *Oeuvres Completes*, Vol. 3 (Paris: Gallimard, 1964), pp. 149, 1327; Paul de Man, *Allegories of Reading: Figural Language in Rousseau, Nietzsche, Rilke and Proust* (New Haven and London: Yale University Press, 1979), p. 153.

4. De Man, *op. cit.*, pp. 143-44.

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perhaps even objective consciousness of the speaker. The indeterminacy of language would thereby be surrendered to a psychology of the interlocutors; the freedom of the signifier, a moment ago separated from history through the privileging of language, would suddenly be bound up again in extralinguistic material.

Deconstruction privileges language as writing and therefore labels itself grammatology. If the spoken word might be confused too quickly with a speaking subject whose physical presence is necessary for speech to occur, the written word can circulate independently of an author, who quickly disappears from the scene. Deconstruction gains considerable latitude in its scrutinization of the word but tends to lose interest in the historical vicissitudes of its writer: intentions, context, politics. The result can be traced in a 1985 exchange on the topic of South African apartheid in *Critical Inquiry*. "Racism's Last Word" is a translation of Derrida's contribution to a catalogue of an exhibition of "Art contre/against Apartheid." To be sure, Derrida appears to oppose the South African regime, its segregationist policies, and its brutal violence, as well as the complicity of other states engaged in supportive and lucrative trading relations. Yet it is not so much a political account that Derrida provides, as much as he is superficially familiar with the details of South African history. His central concern is instead a meditation on — or deconstruction of — the word. This grammatological blindness to the variegations of material history and the fixation on the single term produce a text which may be ethically inspiring but lacks analytic focus; one learns very little from it. Thus his respondents, McClintock and Nixon, comment:[5] "For most of the essay, Derrida allows the solitary word *apartheid* to absorb so much of his attention that the changing discourses of South African racism appear more static and monolithic than they really are. Paradoxically, what is most absent from Derrida's essay is an attentiveness to racial and class difference: his insights are premised on too uniform a conception of South Africa's discourses of racial difference, while his historical comments are too generalized to carry strategic force." Indeed Derrida's fetishization of the word seems particularly narrow in light of the political and social developments that have recently begun to unfold in South Africa. Apparently considerable history can transpire short of a return to pre-Socratic philosophy.

5. Anne McClintock and Rob Nixon, "No Names Apart: The Separation of Word and History in Derrida's 'Le Dernier Mot du Racisme'," in *"Race," Writing, and Difference*, ed. by Henry Louis Gates, Jr. (Chicago and London: University of Chicago Press, 1986), pp. 352-53.

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One can, however, learn a great deal from Derrida's text: the philosophical and perhaps political allegiances of grammatology. The original problem in South Africa is, for Derrida, not apartheid but "apartheid," the word. More than its etymology, it is its grammatical status, an abstract substantive, that is implicated, so Derrida suggests, in a logocentrism of hierarchy, domination, and separation. "[. . .] the glaring harshness of abstract essence (*heid*) seems to speculate in another regime of abstraction, that of confined separation. The word concentrates separation, raises it to another power and sets separation itself *apart*: 'apartitionality,' something like that. By isolating being apart in some sort of essence of hypostasis, the word corrupts it into a quasi-ontological segregation."[6] The real practices of apartheid are then, apparently, not the result of interest or ideology but the consequence of a linguistic form, in particular the capacity for abstraction in — here another nod to Heidegger — Western language. In other words, it is not the case that "apartheid" is a name given to a set of social practices that ensure social hierachy, exploitation, and racial separation. Instead, Derrida gets it backwards: the linguistic practice of forming terms that indicate abstract essences, exemplifed by "apartheid" (but presumably also by "emancipation," "freedom," or "equality") generates the social practice. Of course, Derrida is not thoroughly wrong when he continues, "there's no racism without a language," but the point is platitudinous and irrelevant; without a language, there would be no Freedom Charter, just as there would be no deconstruction. Or rather the point is only relevant for Derrida in his attempt to exploit the example of South Africa to pursue his own sectarian philosophical agenda. The suggestion that the apartheid state can end only when the whole edifice of Western thought is overcome could hardly provide much comfort to the victims of South African racism.

For Derrida, an alternative to the linguistic problem of "apartheid" is — no surprise — only imaginable as language: "a language at once very old, older than Europe, but for that reason to be invented once more." Apartheid is the result, perhaps even the ultimate goal, of Western metaphysics; it "would have had no chance outside a European discourse on the concept of race;" at stake is the "occidental essence of the historical process." South African specificity disappears beneath the broad-brush account of a monolithic Western tradition. Against the background of Derrida's account, it is nearly incomprehensible to

6. Jacques Derrida, "Racism's Last Word," trans. by Peggy Kamuf in *"Race," Writing, and Difference*, *op. cit.*, p. 331.

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read that Nelson Mandela could invoke the American Declaration of Independence (in a manner very different than Derrida in Virginia) and the authority of Washington, Jefferson, Lincoln, John Brown, W.E.B. DuBois, and Martin Luther King — American heirs to a, if Derrida insists, "European" discourse of enlightenment and emancipation.[7] Yet the fact that Derrida's pronouncements added nothing to the discussion of South Africa and the critique of apartheid is not surprising, since the essay and its American translation pursued a very different agenda: not to investigate the historical dynamic in the apartheid state but to provide deconstruction with an alibi. It appeared to grant deconstruction "politically correct" credentials, which moreover glossed the sore point at the heart of deconstruction: the hypostatization of difference.

Antiphonologocentrism, the priority of the written text over the spoken word, means that deconstruction prefers to ponder the mysteries of authorless inscriptions, silent and permanent, than to listen to what living subjects say or to watch what they do. If change or history take place, it is because of the instability of language, and not because of the social practice of human beings. This erasure of the subject derives from the critique of Western metaphysics and is related to Heidegger's anti-humanism and Foucault's neo-Nietzschean "end of man."[8] Yet here the philosophical derivation is less important than the social fact: the evident plausibility of anti-subjectivism in deconstructive academica in the 1980s. The 1988 controversy over the young de Man's pro-Nazi articles in the early 1940's sheds an important light on this matter.

De Man's articles dealt with cultural topics in a manner sympathetic to the German occupation: frequently in the spirit of a cultural nationalism with anti-liberal and anti-French coloration, and, at least on one occasion, with anti-Semitic rhetoric. In the most notorious piece he expressed approval for the expulsion of Jews from Europe.[9] When this material was "discovered," a debate ensued over the relation between de Man's Nazi youth and his mature work as a central critic of the deconstructive school. Was deconstruction a covert extension of de Man's past? Or did deconstruction represent a definitive break with his juvenile politics? Or did de Manian deconstruction insist so emphatically on the separation of literature from history in order, implicitly, to

7. *Ibid.*, p. 333; *New York Times* (June 27, 1990), p. A8.

8. Michel Foucault, *The Order of Things: An Archaeology of the Human Sciences* (New York: Randon House, 1973), p. 45.

9. Paul de Man, *Wartime Journalism* (Lincoln and London: University of Nebraska Press, 1988), p. 45.

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provide de Man himself with an exculpatory mechanism to repress his own personal history?

The answers to these questions are by no means unimportant for a clarification of deconstruction's past. For its future, however, de Man's youth is less relevant than the manner in which his defenders chose to respond to the critics. Suddenly, the deconstructive wheelbarrow tipped over, and the erstwhile contempt for the facts and figures, dates and deeds, of lived history was cast aside: de Man himself became, ironically enough, a topic for crudely factual biographical scrutiny. At the same time, however, literary-critical heavy guns were wheeled in to shelter literary criticism *tout court*: for Geoffrey Hartman, de Man's innocence lay in his lesson that "the only activity that escapes the immediate ideological pressure is art itself" (but what about Eisenstein and Brecht, or Finley and Mapplethorpe?) For Werner Hamacher, the collaborationist texts are inverted with interpretive acrobatics into indications of independence bordering on resistance, and de Man's later concealment of his political past is regarded neither as escape or repression but as the only adequate response to the Holocaust; the limits of aesthetic representation are taken as grounds to refuse ethical evaluation, since both are presumably only rhetorical in the topsy-turvy world of deconstruction. Thus for Cynthia Chase, de Man is effectively anti-fascist since as a defender of Hölderlin and a critic of Schiller's aesthetics, he is in the camp of the politically correct. That no mention is made of the differential reception histories — Schiller as the playwright for a liberal audience, Hölderlin as the darling of nationalists — is only one more sign that deconstructive critics have no interest in the crude facts of literary history. But why should they? The point of the de Man affair was not to rescue de Man but to rescue the deconstructive critic from any ethical prerogative. The sophistic erasure of the difference between collaboration and resistance, culprit and victim, provides an opportune alibi for the contemporary academic anxious to avoid social responsibility, just as the privileging of language operates as the privileging mechanism for the language experts of academic criticism.[10]

The de Man affair brought an end to the deconstructive ascendancy: not because the revelations about de Man were so conclusively damning, but because the vacuous responses of his defenders revealed

10. Geoffrey Hartman, "Blindness and Insight," *The New Republic* (March 7, 1988), p. 31; Werner Hamacher, "Fortgesetzte Trauerarbeit," *Frankfurter Allgemeine Zeitung* (February 24, 1988), p. 35; Cynthia Chase, [letter to the editor], *London Review of Books* (May 19, 1988).

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deconstruction's own false bottoms. One should recall how de Man's advocates were particularly angered that the debate took place before a journalistic public, as if university controversies have a right to be hidden from the public eye. In recent years, literary criticism appears to have moved away from the neo-formalism of deconstruction and begun to pursue more historical inquiries, with an interest in context that rigorously de Manian or Derridean approaches would disallow. Deconstruction, too, has become historical: certainly in the sense that it increasingly belongs to the past, but also because, in the work of at least some of its exponents, history and context are by no means excluded. When, for example, Spivak comments on a female suicide as "a rewriting of the social text of a *sati*-suicide" in India, she is transposing some of the techniques associated with the grammatological project into a setting of political acts and cultural history. And when she glosses that suicide with the comment that "the subaltern cannot speak," the antiphonologocentric postulate remains evident — not, however, to imitate the de Manian refusal of human equality but to recognize the historical reality of domination.[11] Even though Spivak's position is one that the deconstructive establishment has attempted to marginalize, the radical vision which deconstruction on the path to "academic respectability" nearly stifled with its linguistic privilege and Heideggerian mortgages cannot, after all, be closed off, even within the deconstructive camp.

Yet Spivak's work can hardly be cited as proof of the viability of deconstruction, but, at best, as evidence of its internal contradictions. As a cultural agenda, deconstruction is far from "subversive," if that term is taken to indicate the human potential to act afresh, and not only in speech and writing. Despite the radical gestures and the antitraditionalism in matters of aesthetic taste, deconstruction leaves only a legacy: the resacralization of literature for the reading elite and a disregard, indeed denunciation of popular forms of communication. Viewed in this manner, it participates directly in the cultural contradiction of contemporary society in which a high culture of nihilism coexists with a mass culture it cannot understand, even when it goes slumming. Is deconstruction the cause or the effect? For deconstruction, that question too is, presumably, implicated in a bad metaphysics of causality, and subject and object: the pathological fallacy that subjects might object to a world that is, after all, only a metaphor.

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11. Gayatri Chakravorty Spivak, "Can the Subaltern Speak?," in *Marxism and the Interpretation of Culture* (Urbana and Chicago: University of Illinois Press, 1988), p. 308.

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South Africa: Consociation or Democracy?

Rupert Taylor

In the 1948 election, which saw the National Party come to power, the meaning of apartheid was more fluid than is commonly supposed. Its essence, however, was clearly segregation: a means of effectively instituting white privilege through the statutory differentiation of whites, coloureds, Indians and Africans.[1] A core assumption held "that *races* are the fundamental divisions of humanity and that different races possess inherently different cultural as well as physical qualities."[2] As "scientific racism" became increasingly discredited, apartheid needed greater sophistication to retain a presentable philosophical façade. Thus, especially under Prime Minister H.F. Verwoerd (1958-1966), the National Party gradually adopted concepts such as "ethnic groups" and "nations" to support segregation.

The Population Registration Act and the Group Areas Act of 1950, as well as the 1953 Reservation of Separate Amenities Act, saw the institutionalization of apartheid — a policy of "separate development" which sought to transform existing "tribal" reserves into "national states." South Africa's population was thus redefined in terms of ethnic groups: "proto-nations [that] could be led through various stages of constitutional development towards the attainment of sovereign independence."[3]

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1. Deborah Posel, "The Meaning of Apartheid before 1945: Conflicting Interests and Forces within the Afrikaner Nationalist Alliance," in *Journal of Southern African Studies*, Vol. 14, No. 1 (1987), pp. 123-139; W.W.M. Eiselen, "The Meaning of Apartheid," in *Race Relations*, Vol. XV, No. 3 (1948), pp. 69-86.
2. Leonard Thompson, *The Political Mythology of Apartheid* (New Haven and London: Yale University Press, 1985), p. 69.
3. John Sharp, "Ethnic Group and Nation: The Apartheid Vision in South Africa," in Emile Boonzaier and John Sharp, eds., *South African Keywords: The Uses and Abuses of Political Concepts* (Cape Town: David Philip, 1989), p. 91.

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The Fiction of Apartheid

Interpretations of apartheid have generally fallen into two camps: the liberal and the Marxist. To liberals, apartheid is seen primarily in terms of racial prejudice. Thus, it is a hindrance to economic modernization.[4] Marxists, on the other hand, view it as shaped by material forces associated with capitalism.[5] In the first view, apartheid is a problem of race; in the second, one of class. As Posel has noted, both approaches are reductionist and have hampered serious discussions of apartheid.[6] An alternative is to focus on the National Party's understanding of ethnicity and corresponding notions of nation-building. The National Party's approach can be traced to positivism, to Afrikaner nationalism, and to romanticism. Anthropology and positivism perceived clearly defined ethnic groups, while Afrikaner nationalism understood these groups as possessing organic transhistorical characteristics. European missionaries and anthropologists played a leading role in classifying ethnic groups in South Africa by defining discrete cultural, linguistic, social and demographic differences between indigenous peoples. According to positivism, ethnicity is objectively given.[7] Combined with organic notions of "national" communities derived from German Romanticism — especially the writings of Herder and Fichte, who saw language and culture as the organic product of distinct nations[8] — this became an integral part of Afrikaner nationalism. Once these notions were extended to other groups, the position that their rights should be respected gained ground.

This acceptance of ethnicity as a given laid the foundation for the Verwoerdian design of grand apartheid. One of the earliest documents

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4. See Merle Lipton, *Capitalism and Apartheid: South Africa, 1910-1986* (London: Wildwood House, 1986).

5. Frederick A. Johnstone, *Class, Race and Gold* (London: Routledge and Kegan Paul, 1976).

6. Deborah Posel, "Rethinking the 'Race-Class Debate' in South African Historiography," in *Social Dynamics*, Vol. 9, No. 1 (1983), pp. 50-66. According to Eddie Webster, today there is a "lack of satisfactory understanding of class and race in the South African crisis." See his "ASSA in the Eighties — The Search for a Critical Sociology in South Africa," keynote address, 20th Annual Congress of the Association for Sociology in South Africa (Johannesburg: University of the Witwatersrand, 1989).

7. Patrick Harries, "The Roots of Ethnicity: Discourse and the Politics of Language Construction in South-East Africa," in *African Affairs*, No. 346 (1988), pp. 25-32; Leroy Vail, ed., *The Creation of Tribalism in Southern Africa* (London: James Currey / Berkeley and Los Angeles: University of California Press, 1989).

8. Neville Alexander, *Language Policy and National Unity in South Africa/Azania* (Cape Town: Buchu, 1989), p. 21; Robert Thornton, "Culture: A Contemporary Definition," in Boonzaier and Sharp, eds., *South African Keywords*, *op. cit.*, pp. 20-21.

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articulating the rationale for creating culturally homogeneous national states — the 1955 Tomlinson Commission Report — described ethnic groups as organic, transhistorical entities and stressed a lack of common interests among the "Bantu." It further argued the existence of a number of "Bantu" national organisms, each of which should be able to run its own affairs.[9] The Report recommended spending 104 million pounds over ten years to finance the development of separate "homelands" and make them economically viable. From this perspective, instead of a nation-state, South Africa was seen as an aggregate of discrete ethnic groups and proto-nations. The 1951 Bantu Authorities Act coopted the "tribal chiefs" in the reserves into the apartheid system. The 1959 Promotion of Bantu Self-Government Act identified a number of "nations" that could aspire to political independence and, in time, constitute ten African "homelands" (ten distinct "nations").[10] Today, four of these — Transkei, Bophuthatswana, Venda and Ciskei — are "independent."

The ideas of "separate development" and "group rights" were developed after 1950 by Afrikaner intellectuals in the South African Bureau of Racial Affairs. There were serious attempts to reconcile segregationist principles and democratic tenets under the heading of "separate but equal."[11] This principle, however, is inherently undemocratic as it limits access to exclusive social spheres, dictating a social engineering that limits an open society. In any case, in practice, there has been a blatant disregard for its democratic side. Whereas in the US the "separate but equal" approach was thrown out by the Supreme Court in the historic 1954 *Brown vs. Board of Education* decision; in South Africa, the 1953 Reservation of Separate Amenities Act ruled that reservations were not to be considered invalid merely because people had access only to substantially unequal facilities.

In addition, it is necessary to ask whether ethnic groups are actually

9. Survey of the Report of the Commission for the Socio-Economic Development of the Bantu Areas within the Union of South Africa (Tomlinson Report), UG 61/1955.

10. Bophuthatswawa (Tswana), Ciskei (Xhosa), Gazankulu (Shangeans and Tsonga), KaNgwane (Swazi), KwaNdebele (Southern Ndebele), KwaZulu (Zulu), Lebowa (Northern Sotho and Northern Ndebele), QwaQwa (Southern Sotho), Transkei (Xhosa) and Venda (Venda).

11. Eddie Brown, "The South African Bureau of Racial Affairs (SABRA)," in Hendrik W. van der Merwe and Robert Schrire, eds., *Race and Ethnicity: South Africa and International Perspectives* (Cape Town: David Philip, 1980), pp. 106-116; Hermann Giliomee, "Apartheid, Verligtheid and Liberalism," in Jeffrey Butler, Richard Elphick and David Welsh, eds., *Democratic Liberalism in South Africa: Its History and Prospect* (Middletown, CT: Wesleyan University Press, 1987), pp. 363-383.

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fixed entities.[12] The National Party's understanding of ethnicity and its exclusive characteristics is unfounded. Rather, it is a social construct. As Sharp put it: "The apartheid vision was not a simple description of the nature of South African society. It was an attempt . . . to represent the nature of this society. . . ."[13] Ethnic boundaries and groups are arbitrary, and these groups do not necessarily share common goals.[14] The drawing of ethnic boundaries must be understood in terms of social categories simplistically moulded to fit by now largely discredited social theories. That ethnicity is an invention can be best seen in that it is a modern phenomenon: it did not exist until very recently.[15] The National Party's position is therefore predicated on a social construct meant to serve political ends, i.e., the denial of political rights to Africans and the perpetuation of a cheap labor system.

The arbitrary character of the National Party's policy is most apparent in one of the pillars of apartheid — the 1950 Population Registration Act. Far from providing clearly-defined classifications, it is "a mishmash of indicators most of which . . . are highly problematic"[16] and whose contradictions are resolved by fiat: "The Governor-General may by proclamation in the *Gazette* prescribe and define the ethnic or other groups into which colored persons and natives shall be classified . . . and may in like manner amend or withdraw any such proclamation."[17] Understandably, "separate development" has had highly undemocratic consequences. Africans have been the victims of severe inequalities. Social and economic conditions in the "homelands" are dire. The "homelands" are "impoverished, backward, overcrowded, and unhealthy, even by the

12. Neville Alexander, "Race, Ethnicity and Nationalism in Social Science in Southern Africa," in *Sow the Wind* (Johannesburg: Skotaville, 1987), pp. 126-153.

13. Sharp, *op. cit.*, p. 81. See also Shula Marks and Stanley Trapido, "The Politics of Race, Class and Nationalism," in Marks and Trapido, eds., *The Politics of Race, Class and Nationalism in Twentieth Century South Africa* (London and New York: Longman, 1987), pp. 1-70.

14. John Sharp, "Introduction: Constructing Social Reality," in Boonzaier and Sharp, eds. *South African Keywords*, *op. cit.*, pp. 1-16. It has been shown that even the Afrikaans-speaking community is not the homogenous bloc it is assumed to be. See Dan O'Meara, *Volkskapitalisme* (Cambridge: Cambridge University Press, 1983).

15. Harries, *op. cit.*, p. 25. For recent historical research which treats ethnicity as a construction, see Belinda Bozzoli and Peter Delius, "Radical History and South African Society," in *Radical History Review*, Vol. 46, No. 7 (1990), pp. 13-45.

16. Martin West, "Confusing Categories: Population Groups, National States and Citizenship," in Boonzaier and Sharp, eds., *South African Keywords*, *op. cit.*, p. 103.

17. Section 5 (2) of the Population Registration Act (1950) cited in Edgar H. Brooks, *Apartheid: A Documentary Study of Modern South Africa* (London: Routledge and Kegan Paul, 1968), p. 19.

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standards of many parts of preindependent black Africa."[18] Regulated by the "scientific" classifications of government ethnologists, millions of Africans have been uprooted to remote "homeland" locations — some of them several times over.[19]

Part of the problem is that Africans constitute over 70% of the total population, yet the "homelands" were disproportionately granted only 13% of South Africa's surface area. Many of the "homelands" are gerrymandered over separate and different pieces of territory — divisions disregarding geographic factors promoting economic growth. At one stage, KwaZulu had 44 portions. Furthermore, the National Party refused to invest as much as had been recommended by the Tomlinson Report. The original suggestions were cut by around two-thirds. With agricultural and industrial conditions in the "homelands" in ever deepening crisis, they are financially dependent on the South African parliament for over 70% of their budgets.[20] Since almost the whole economy is controlled by whites, the "homelands" have been reduced to props for the racial segregation of labor through the migrant labor system. Unilaterally imposed by the central state, the governmental structures of the "homelands" lack legitimacy and accountability. Similarly, they "have no real power to affect the key issues within South African society."[21] They are based on undemocratic structures whereby power rests not with people but with the bureaucratized authority of traditional chieftaincies who control access to the land.

Consent has been engineered through patronage, corruption and coercion: "Continuing reports have been published that a membership card of the ruling party in one or other bantustan is the quickest and safest way of acquiring housing, land, business rights, jobs, pensions and disability grants — and that known opponents of the various governments are often victimized and frustrated in acquiring these rights."[22] Similarly, "homeland" leaders have regularly embezzled public funds:

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18. Jeffrey Butler, Robert I. Rotberg and John Adams, *The Black Homelands of South Africa: The Political and Economic Development of Bophuthatswana and KwaZulu* (Berkeley: University of California Press, 1977), p. 221. See also Francis Wilson and Mamphela Ramphele, *Uprooting Poverty: The South African Challenge, Report for the Second Carnegie Inquiry into Poverty and Development in Southern Africa* (Cape Town: David Philip, 1989).

19. Laurine Platzky and Cherryl Walker, *The Surplus People: Forced Removals in South Africa* (Johannesburg: Ravan, 1985).

20. For State expenditure on the "homelands," see *Race Relations Survey, 1988/89* (Johannesburg: South African Institute of Race Relations, 1989), pp. 61-74.

21. Richard Turner, *The Eye of the Needle* (Johannesburg: Ravan, 1980), p. 123.

22. Barry Streek, "Disunity through the Bantustans," in *South African Review Two* (Johannesburg: Ravan, 1984), p. 261.

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millions of rand have found their way into foreign bank accounts. In the Transkei over 100 million rand has gone "missing."[23] Opposition is easily curtailed. Thus, the pre-independence elections in Bophuthatswana, Transkei, and Venda — and the referendum in Ciskei — were held under emergency laws with opposition movements banned and many political opponents detained. In Venda the "opposition" party won two elections in a row, but was kept out of office through detentions. In general, "homeland" structures have been highly unstable and, as Southall has remarked, "the bantustan policy is devoid of all progressive political potentialities."[24]

What is most significant, however, is that the "homelands" policy has given ethnicity a material basis. Networks of patronage, welfare provision and resource distribution benefiting particular groups have played an important role. Similarly, chiefs, party bureaucrats, petty-bourgeois traders and business operators have all gained from "homeland independence" (particularly through state transfer of white assets and investments of development corporations) and thus have now a stake in the system.[25] To some extent, the National Party has succeeded in implanting ethnic consciousness. In this respect, apart from the ethnic discrimination practiced by "homeland" authorities, the dangers of apartheid policies are shown in starkest form in the political violence in KwaZulu/Natal between members of the Zulu-based Inkatha movement and supporters of the United Democratic Front and Congress of South African Trade Unions.[26] To date, over 3,000 people have died.[27]

Although ethnicity has received a material base in "homeland" structures, sociological research into ethnic identity has shown widespread rejection of ethnicity. Many Africans do not see themselves as such and reject it as a means to legitimate apartheid. In 1975, Mayer showed that in Soweto ethnic divisions are denied or simply ignored, while a recent study of the African elite in South Africa found that

23. On the misuse of public funds, see the findings of the van Reenan Commission and Harms Commission; *Race Relations Survey*, 1988/89, *op. cit.*, pp. 74-84.

24. Roger Southall, *South Africa's Transkei: The Political Economy of an "Independent" Bantustan* (London: Heinemann, 1982), pp. xi-xii.

25. Alf Stadler, *The Political Economy of Modern South Africa* (Cape Town: David Philip, 1989), pp. 128-140.

26. Chris Lowe, "Buthelezi, Inkatha, and the Problem of Ethnic Nationalism in South Africa," in *Radical History Review*, Vol. 46, No. 7 (1990), p. 397.

27. For an overview of the political conflict, see John Aitchison, "The Civil War in Natal," in Glenn Moss and Ingrid Obery, eds., *South African Review 5* (Johannesburg: Ravan, 1989), pp. 457-473.

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70% of those interviewed did not identify with their ethnic "extraction."[28] All major African movements — the African National Congress, Pan-Africanist Congress and Black Consciousness Movement — refuse "to accord any political relevance to ethnic differences within the African community,"[29] seeing them as a hindrance to the emergence of a broad African nationalism. The African National Congress, in particular, strongly emphasizes the building of a unitary non-racial South Africa safeguarding individual rights.[30]

The ethnic nationalism promoted by National Party ideologues has not undercut African nationalism. Not only has "separate development" been a failure in winning the hearts and minds of Africans, as was dramatically shown by the June 1976 Soweto uprising,[31] but it has had the unintended consequence of uniting people around a different concept of nation-building stressing a common African identity. The reasons for this are not hard to grasp. The National Party's understanding of ethnicity is fictional, and if apartheid is judged in terms of its application it "cannot be justified on any moral principle."[32] It goes against "practically every important particular prescription for the protection of specific rights embodied in the Universal Declaration of Human Rights and the International Covenants on Human Rights."[33]

Democratic Reform?

To shore up ever growing contradictions, in the late 1970s the National Party sought to reconcile apartheid with liberal democratic principles. Moving away from the Verwoerdian project of ethnic groups and segregation, concepts of cultural pluralism and consociationalism were substituted in P. W. Botha's pragmatic reform program which sought to build

28. Philip Mayer, "Class, Status and Ethnicity as Perceived by Johannesburg Africans," in L. Thompson and J. Butler, eds., *Change in Contemporary South Africa* (Berkeley: University of California Press, 1975), pp. 138-167; Lynette Dreyer, *The Modern African Elite of South Africa* (London: Macmillan, 1989), p. 102, table 5.4. For a discussion of other similar studies, see Dreyer, pp. 97-107.

29. John McGarry and S.J.R. Noel, "The Prospects for Consociational Democracy in South Africa," in *Journal of Commonwealth and Comparative Politics*, Vol. XXVII, No. 1 (1989), p. 7.

30. On the African National Congress's standpoint see: Francis Meli, *A History of the ANC: South Africa Belongs to Us* (London: James Currey, 1988); Maria van Diepen, ed., *The National Question in South Africa* (London: Zed, 1988).

31. On Soweto 1976, see Baruch Hirson, *Year of Fire, Year of Ash* (London: Zed, 1979); John Kane-Berman, *South Africa: The Method in the Madness* (London: Pluto, 1979).

32. Trevor Huddleston, *Naught For Your Comfort* (London: Collins, 1956), p. 34.

33. Myres S. McDougal, Harold D. Lasswell and Lung-Chu Chen, *Human Rights and World Public Order* (New Haven and London: Yale University Press, 1980), p. 546.

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a broader consensus for National Party rule. These reforms focused on the granting of freehold title for Africans in urban areas, the abolition of "influx control" for residents outside "independent homelands" and, most significantly, the new 1983 Constitution which, through the rhetoric of "power-sharing," established a tricameral parliament with separate houses for whites (House of Assembly), coloreds (House of Representatives) and Indians (House of Delegates).

But the National Party refused to grant freedom of association. Ethnicity and "groups" remained the building blocks of the new Constitution. For the first time, coloreds and Indians were formally incorporated into the definition of the nation,[34] while Africans remained aliens with their citizenship tied to the "homelands." In justifying the new Constitution, the National Party relied heavily on consociational theory developed by the Dutch scholar Arend Lijphart[35] who, in the late 1970s, became an advisor to the government. Consociationalism advocates a system of multi-ethnic rule (power-sharing) as opposed to majority rule. The basic idea is that a plural (deeply divided) society can become stable and democratic through pluralist leadership. It is essentially a theory of elite accommodation and cooperation between deeply divided groups whose autonomy (segmental autonomy) is institutionally guaranteed and there is strong respect for principles of proportionality as well as veto rights.

The National Party's 1983 Constitution does extend a consociational approach to whites, coloreds and Indians. Its exclusionary policy towards Africans, however, does not qualify it as a true consociational position. Thus Lijphart has argued that the 1983 Constitution is, at best, "quasi-consociational."[36] Furthermore, segmental divisions are statutorily imposed and the Constitution fails to respect the prescribed segmental autonomy. Segmental authorities lack "autonomy" because of "their constitutional subordinacy, their minimal powers, and the political and economic factors circumscribing those powers."[37] Under the 1983 Constitution there is only one site of political control: the House of Assembly. Thus a leading South African constitutional expert

34. From the beginning, the National Party's fictitious reading of ethnicity was clearly shown in the inability to neatly classify and define policy for colored people.

35. Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration* (New Haven: Yale University Press, 1977).

36. Arend Lijphart, *Power-Sharing in South Africa*, Policy Papers in International Affairs, No. 24, Institute of International Studies (Berkeley: University of California, 1985), p. 61.

37. L.J. Boulle, *South Africa and the Consociational Option: A Constitutional Analysis* (Cape Town: Juta, 1984), p. 98.

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has concluded that: "In overall terms, the 1983 Constitution incorporates several symbolic forms of power-sharing but retains the facilities for unilateral conflict-regulation which epitomized its predecessor."[38] According to a former opposition leader in the House of Assembly, it represented "the crudest bastardization imaginable of the logic of consociational democracy."[39] Overall, the 1983 Constitution has more in common with apartheid than with democracy — a result of the National Party's continuing adherence to its particular interpretation of ethnicity.

Not surprisingly, both the House of Representatives and House of Delegates have been boycotted by progressive non-racial movements (the United Democratic Front and the National Forum) and the tricameral system has rested more on cooption than consensus. Still, the pace of change has led to far-reaching splits in Afrikanerdom. In March 1982, 16 MP's left the National Party to join the pro-apartheid Conservative Party.[40] Intent on reversing the limited reforms, the Conservative Party captured 31% of the white vote in the 1989 election.[41] As a reflection of the inherently limited nature of the National Party's reform program, a state of emergency was imposed to check black political mobilization. Resistance to local government initiatives was met with force; opposition ruthlessly destroyed through intimidation, restrictions and detentions. Innumerable organizations were restricted, and between July 1985 and December 1988 around 41,000 people were detained.[42] Unable to justify repressive actions in terms of liberal democratic principles, the National Party found itself bankrupt.

But, is consociational democracy a viable option? As advanced by Lijphart, the theory (with its grand coalition, segmental autonomy, proportionality and veto rights) seems to provide an attractive answer to South Africa's problems. Although hitherto consociational solutions have been applied only to parallel multi-ethnic systems and not a

38. *Ibid.*, p. 218.

39. Frederik van Zyl Slabbert, "Sham Reform and Conflict Regulation in a Divided Society," in *Journal of Asian and African Studies*, Vol. XVIII, Nos. 1/2 (1983), p. 43.

40. On the Conservative Party and the far right, see David Welsh, "South Africa's Ultra-Right," in *Patterns of Prejudice*, "Part One," Vol. 22, No. 4 (1988), pp. 13-23; and "Part Two," Vol. 23, No. 1 (1989), pp. 3-15.

41. Rupert Taylor, "Between Apartheid and Democracy: The South African 'Election' of 1989," in *The Round Table*, No. 314 (1990), pp. 157-166.

42. David Webster and Maggie Friedman, "Repression and the State of Emergency: June 1987 — March 1989," in Moss and Obery, eds., *South African Review*, *op. cit.*, p. 22, table 1 (b). See also Martin Murray, *South Africa: Time of Agony, Time of Destiny* (London: Verso, 1987).

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minority-dominated hierarchical ethnic system like South Africa,[43] it is presented as the only possible peaceful democratic solution.[44] In fact, consociationalism is flawed not only in terms of its internal logic but also in that it accepts ethnicity as defined by apartheid ideologues.

Lijphart's approach is flawed. It is open to charges of circular reasoning, lack of predictive power and weak conceptualization of basic concepts such as "pluralism," "stability" and "accommodation."[45] The theory's democratic character has also been challenged for its disregard of competing definitions of democracy not predicated on elite control.[46] Its major failing, however, is that it is based on little more than crude empiricism. It cannot deal with complex causal relations. Consequently, not only does it fail to provide any explanation of how plural societies come into being, but it cannot account for social change. As van Schendelen has asked: "For Lijphart a society is plural if it is divided by segmental cleavages. But . . . on the basis of which criterion can one say that some division is *not* a cleavage and that a cleavage is *not* segmental?"[47] The underlying nature of a plural society cannot be merely assumed, it must be demonstrated. Similarly, the "favorable" and "unfavorable" conditions for a consociational solution which Lijphart identifies — such as there being "no majority segment," a "small population size" and "traditions of accommodation" — remain vague. They are ultimately neither necessary nor sufficient.

For Lijphart, South Africa is "undoubtedly" a plural society. But this conclusion is based solely on the observation that there are deeply divided groups. Lijphart argues that "Both the Marxist and non-Marxist critics seriously underestimate the strength and persistence of segmental divisions. These are *social facts* and not a mere fiction serving the political elite; they have to be *accommodated* and cannot simply be ignored or wished away."[48] In the South African context, this is tantamount to falling under the sway of apartheid, which has postulated unbridgeable divisions. Like apartheid, consociationalism sees ethnicity as given and reifies cultural differences as immutable. By uncritically accepting

43. Samuel P. Huntington, "Reform and Stability in a Modernizing, Multi-Ethnic Society," in *Politikon*, Vol. 8, No. 2 (1981), pp. 8-26.

44. Lijphart, 1985, *op. cit.*; McGarry and Noel, *op. cit.*, p. 19.

45. M.C.P. van Schendelen, "Critical Comments on Lijphart's Theory of Consociational Democracy," *in Politikon*, Vol. 10, No. 1 (1983), pp. 6-32.

46. Brian Barry, "Review Article: Political Accommodation and Consociational Democracy," in *British Journal of Political Science*, Vol. 5, No. 4 (1975), pp. 477-505.

47. Van Schendelen, *op. cit.*, p. 7.

48. Lijphart, 1985, *op. cit.*, p. 108, italics added.

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ethnicity as a constant, it concludes that a plural society cannot be depluralized through assimilation. Lijphart is thus concerned with institutionally accommodating divisions rather than breaking them down.

While Lijphart argues that voluntary instead of statutorily-defined group membership is crucial for consociationalism, he also argues that ethnicity always reasserts itself. It is "highly probable — nay, virtually certain — that the ethnic factor will reassert itself under conditions of free association and open electoral competition,"[49] leaving South Africa with an ethnically based polity as opposed to one founded on individuality and non-racialism. But what is the evidence for this? And why should *this* continue to be, as it would under consociationalism, the basis of policy?

Equally questionable is Lijphart's conclusion that South Africa does not have a majority segment. This is crucial to his overall argument for, in any assessment of the "favorable" and "unfavorable" factors because consociationalism, it is argued that "the most important factor favoring a consociation is that none of the segments of the plural society comprises a majority of the population."[50] By arguing that the two largest ethnic segments each contain only about one fifth of the population, South Africa is given a "very favorable" rating.[51] All this, however, is extremely questionable because it is reached by defining "segments" exclusively in ethnic terms.

Consociationalism attempts to avoid the perceived dangers of majority rule. These might be real if a ruling majority "segment" sees itself in exclusive terms. But what if there is majority support for an inclusive non-racial democratic position concerned with breaking down ethnic divisions? Lijphart ignores such a position, even though it is the declared stance of the Democratic Party and of the African National Congress. If a majority is committed to such principles, what justification is there for "segmental autonomy"? Why can competing interests not be served through democratic means? To address this issue requires going beyond narrow and largely atheoretical rejections of non-consociationally informed concepts of democracy and an acceptance of non-racialism as a guiding principle for critical research into the pre-conditions for a democratic South Africa. Such a project must be concerned with issues of socio-economic equality and forms of participatory democracy.[52]

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49. *Ibid.*, p. 122.
50. *Ibid.*, p. 119.
51. *Ibid.*, p. 120, table 5.1. In fact Lijphart, with his "impressionistic method," gives South Africa the same overall rating as Belgium.
52. Turner, *op. cit.* Also see A. W. Stadler, "A Contribution to the 'Conditions of

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The pitfalls of consociationalism are also clear in the position of two of South Africa's leading social scientists who have often spoken out against apartheid and who have recently attempted to address the question of nation-building. In *From Apartheid to Nation-Building* (1989), Hermann Giliomee and Lawrence Schlemmer essentially reformulate a consociational solution as a new framework for South Africa.[53] Following Connor, Rothschild and Horowitz, the two authors see the emotional power of nationalism (rooted in ethnic identity) as an independent causal factor that in the South African situation has made for a zero-sum conflict.[54] Accordingly, they argue that the struggle between Afrikaner and African nationalism can only be resolved by providing political structures that recognize (at least in the short term) the relative autonomy of these two main political traditions.

Giliomee and Schlemmer believe that majority incorporation into the political system is possible after a period of transition with a government of national unity — a "buffer phase" with no sectional domination and "a mutual acceptance of national dualism and ideological pluralism"[55] that would eventually lead to majority rule. Such a government of national unity, operating on the basis of the principle of parity of power for "at least ten years"[56] would have two main power blocs; whites with their own community alliance forming a group-based minority faction, and a non-racial alliance forming a majority faction.

As with Lijphart's approach, the central objection here has to do with the implicit assumption of ethnicity. The work uncritically accepts the view that "the main insight of recent comparative studies of divided societies is that conflicts in these societies are not only about a clash of interests which can somehow be mediated."[57] This school of thought, which accepts that the dynamics of ethnic identity can result in a zero-sum conflict, leads the authors close to a basic tenet of apartheid, i.e.,

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Democracy' Debate: A Working Paper," in *International Affairs Bulletin*, Vol. 12, No. 3 (1988), pp. 25-34.

53. Hermann Giliomee is Professor of Political Studies at the University of Cape Town. Lawrence Schlemmer is Director of the Centre for Policy Studies at the University of the Witwatersrand, Johannesburg.

54. Walker Connor, "Nation-Building or Nation-Destroying?," in *World Politics*, Vol. XXIV, No. 3 (1972), pp. 319-355; Joseph Rothschild, *Ethnopolitics* (New York: University of Columbia Press, 1981); Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985).

55. Hermann Giliomee and Lawrence Schlemmer, *From Apartheid to Nation-Building* (Cape Town: Oxford University Press, 1989), p. 241.

56. *Ibid.*, p. 227.

57. *Ibid.*, pp. 162-163.

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that ethnic contact leads to conflict. This tenet informs the proposed framework of conflict resolution. A "buffer period" is advocated precisely because it promises to avoid an "unmitigated clash of interests and needs."[58] In the short term, this amounts to accepting much of the argument that "if mixed development is to be the policy of the future in South Africa, it will lead to the most terrific clash of interests imaginable." Who wrote this? None other than Verwoerd, the main architect of apartheid.[59]

It is not sufficient to quote Rothschild approvingly to the effect that "the relationship between the emotional component and the interest component of politicized ethnicity is dialectical. Neither is a mere epiphenomenon of the other. . . and neither functions alone."[60] One has to unravel it and give it concrete meaning. If ethnicity is a viable notion, what are its dynamics? And how does it take on such an intractable nature? Giliomee and Schlemmer do not discuss what hinders assimilation and crystalizes distinctiveness. By implicitly accepting ethnic identity and its exclusivity, they end up with an apologetic position. They have been beguiled by the spell of the new order constituted by apartheid, which has fed the belief in the givenness of an unchanging ethnicity.

In any case, contrary to Giliomee and Schlemmer, here it is not a matter of two exclusive nationalisms. Apart from the 20% white support the Democratic Party (committed to Western democracy) received in the September 6, 1989 election, it is "incorrect to equate Afrikaner nationalism and black African nationalism — the former is exclusive, the latter (at least the non-racial democratic position) is inclusive and non-chauvinistic."[61] To reject a common society model committed to non-racialism and democracy as unacceptable because it does not have the support of the white electorate is to support the *status quo*. The issue should be recast to ask why people have not connected more with democratic practice?

Giliomee's and Schlemmer's position is close to that of the National Party, which is presently searching for a new constitutional model. Since De Klerk's election as State President, this search for a new constitutional dispensation charting a middle course between apartheid and democracy and embodying consociational features has become crucial. The blueprint, spelled out in the National Party's 1989 Five-Year Action

58. *Ibid.*, p. 166.
59. H.F. Verwoerd, *Verwoerd Speaks*, ed. by A.N. Pelzer (Johannesburg: Afrikaanse Pers Boekhandel, 1966), p. 24.
60. Giliomee and Schlemmer, *op. cit.*, p. 163.
61. Alex Boraine, "Pitfalls of Focusing on Division in SA," in *Democracy in Action* (August 1989), editorial, p. 3.

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Plan,[62] emphasizes the need to negotiate a system of full political participation for all. Drawing on ideas circulating within the Afrikaner Broederbond for a number of years,[63] the Action Plan argues that various groups within a unitary South Africa would have their own governing bodies with sole jurisdiction over their "own affairs" and that each group would participate in the central government to decide, by consensus, on "general affairs." Although groups would remain the basis for political participation, the National Party's expressed aim is to move away from rigid race classifications by looking for new plausible group definitions that reconcile "group rights" with individual rights. The new Minister for Constitutional Development, Gerrit Viljoen, has stated that "the group concept will only be acceptable if the rigidity in the current structure of what constitutes a group is replaced by a far more flexible approach."[64]

This position raises important questions concerning the definition of groups. How can any continuing commitment to "group rights" be reconciled with the protection of individual rights — particularly when "group rights" have consistently overridden individual interests, denying political equality and perpetuating white domination, and when the South African Law Commission has, after exhaustive study,[65] stressed the primacy of individual rights? Furthermore, the National Party's new vision focuses on group-based decision-making with protection against domination being ensured by group consensus. But how will consensus be achieved? What happens if consensus is not reached? To assume that there will be a mutual interest in reaching accommodation is an act of faith — especially given high levels of socio-economic inequality and the antagonistic course of South African history.

The National Party does not have the answers. The Five-Year Plan talks of instructing "credible and independent experts to study all possible constitutional models, and to define the implications, advantages

62. "Proposed Plan of Action of the National Party, Election 6 September 1989," reproduced in *Centre for Policy Studies*, "Negotiations Package" (Johannesburg: Centre for Policy Studies, 1989).

63. *Confidential Broederbond Working Document*, "Basic Political Preconditions for the Survival of the Afrikaner," reproduced in *Centre for Policy Studies*, *op. cit.* On the Broederbond, see Ivor Wilkins and Hans Strydom, *The Super-Afrikaners* (Johannesburg: Jonathan Ball, 1978).

64. "Interview: Gerrit Viljoen," in *Leadership South Africa* (October 1989), p. 74.

65. South African Law Commission, 1989, Report on Group and Human Rights, mimeo. Earlier, a four year investigation involving researchers from 15 universities had found it impracticable to guarantee rights at both individual and group level. See *The South African Society*, Main Committee HSRC Investigation into Intergroup Relations (Pretoria: HSRC, 1985), p. 161.

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and disadvantages of each model."[66] In fact, an extensive search for a new viable model has been underway, both within the Broederbond and the universities, for a number of years. The quest continues, with few stopping to consider whether, given the inherent contradictions between apartheid and democracy, the National Party's assumptions are logically consistent. The central problem for the National Party in trying to develop parallel group decision-making within a hierarchical ethnic system is that, in the words of Cilliers, it is "completely in contradiction to any principle of social organization."[67] The National Party is trying to reconcile the irreconcilable.

The problem is that the National Party remains under the spell of apartheid thinking, wanting to develop some form of consociation which will assure defense of "group rights." The National Party's talk of universal franchise, whether on separate voters' rolls or a common voters' roll, hides a continuing commitment to exclusion. It is tied to ideas of veto rights, entrenched clauses or complicated formulas for weighting votes and/or representation which would protect the existing institutionalized structure of inequality. Thus, the African National Congress' Constitutional Guidelines recognize that "constitutional protection for group rights would perpetuate the *status quo*."[68]

There is no halfway house between apartheid and democracy. Apart from the riddle of combining elements of statutory group differentiation with voluntary association, one of the most obvious contradictions with the National Party's position is the new-found adherence to the view that South Africa is one state while simultaneously arguing that it is a multi-ethnic nation of minorities — all of whom must have some exclusive rights. In contradistinction to the National Party's "nation of minorities" view, the African National Congress is currently endeavoring to bring "homeland" leaders into its fold as part of a broad inclusive anti-apartheid majority coalition. Recent events have seen rural revolts and mass demands for reincorporation from all the "independent homelands." Transkei is moving towards a referendum on reincorporation, while Ciskei and Venda have witnessed military coups and there have been widespread protests in Bophuthatswana.

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66. "Proposed Plan of Action of the National Party," *op. cit.*, p. 9.
67. S.P. Cilliers, *Appeal to Reason* (Stellenbosch: University Publishers, 1971), p. 8.
68. "ANC's Constitutional Guidelines for a Democratic South Africa," reproduced in *Weekly Mail* (Johannesburg), October 7-13, 1988, p. 7; and in *Centre for Policy Studies*, *op. cit.*

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Conclusion

The fundamental weakness and continuing pernicious influence of apartheid, with its stress on exclusive characteristics of ethnic groups, is that it implies a concept of ethnicity and nation-building in South Africa inherently inconsistent with democratic principles. Consociational options do not question this. They overplay ethnicity by treating ethnic divisions as social fact. Thus they recognize and accommodate division. Therefore, a non-racial democratic South Africa must reject the position that ethnic relations are autonomous, in favor of an approach which relates ethnicity to broader issues of social organization.[69]

This calls for a new synthesis which, by unraveling the interaction of structural and ideological conditions, demystifies the spell of apartheid that ethnicity is given once and for all, and proposes strategies of emancipation linked to democracy and the development of new democratic policies covering all social sectors.[70] Such a relation between ethnicity and nation-building entails the recognition that ethnicity has "become a safe haven for ideas we would rather call racist."[71] It would acknowledge that ethnicity has been given a material reality and enable white South Africans, who "have their faces 'too close to the canvas' to have a clear vision of the whole picture,"[72] to break with apartheid thinking and see others as individuals with common interests. Too many National Party supporters have accepted apartheid and its reforms because of self-interest and wishful-thinking, and have not thought through the need to dismantle apartheid altogether.

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69. In this respect, see Katherine O'Sullivan See and William J. Wilson, "Race and Ethnicity," in N.J. Smelser, ed., *Handbook of Sociology* (Sage: Claremont, CA, 1988), p. 239.

70. Various new democratic policies are being forged. See Glenda Kruss, "People's Education in South Africa: An Examination of the Concept," People's Education Research Project, Report No.1 (Centre for Adult and Continuing Education, University of the Western Cape, 1988); Alexander, 1989, *op. cit.*; Alec Erwin, "South Africa's Post-Apartheid Economy: Planning for Prosperity," in *South African Labour Bulletin*, Vol. 14, No. 6 (1990), pp. 40-45.

71. Richard Fardon, "History, Ethnicity and Pageantry. 1987 ASA Conference," in *Anthropology Today*, Vol. 3, No. 3 (1987), p. 16.

72. Henry Lever, *South African Society* (Johannesburg: Jonathan Ball, 1978), p. 1.

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*Transition to Democracy: South Africa And Eastern Europe**

Heribert Adam

Fundamental changes in Eastern Europe raise the question of their implication for South Africa. Both are moving from authoritarianism to democracy. Just as in Poland, where a popular mass movement initially negotiated a temporary power-sharing arrangement with the government, so the ANC (African National Congress) and Pretoria now seek a genuine compromise. If Havel can move from prison to the presidential palace, why not Mandela?

These speculations overlook important differences. Unlike Eastern Europe, in South Africa the old state has not been defeated by revolutionary forces, nor was it dependent on a foreign sponsor no longer willing or able to intervene militarily. The more self-sufficient minority regime in South Africa can prolong a violent stalemate almost indefinitely without foreign backing, although it remains vulnerable to sanctions and economic isolation. Reformist moves were initiated from above, albeit under various pressures from inside and outside the country, while East European developments have substantially weakened the dominant ANC opposition that was economically, diplomatically, militarily and ideologically tied to the Eastern bloc through its alliance with the SACP (South African Communist Party). With the end of the Cold War, international pressure has increased on both sides to settle politically rather than through a civil war that neither could win. It was therefore mutual weakness rather than the ascendancy of one force over the other that led to change in South Africa.

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Political processes in South Africa and Eastern Europe presuppose a unique ideological baggage and different historical experience. While "socialism" has become a curse word in Eastern Europe, South Africa is now probably the only country in the world where an orthodox Stalinist party is rapidly growing. In Eastern Europe the controversial issue is how a just market economy can be deployed effectively and swiftly; in South Africa it is how the historical salience of race and ethnicity for discrimination can be eliminated and political and economic equality with some form of socialism achieved. While South African conservatives cite the revival of ethnicity and nationalism the world over as proof of their organic vision of pluralism, progressive academics decry ethnic sentiment as a state invention. Thus Taylor advocates "acceptance of non-racialism as a guiding principle for critical research into the preconditions for a democratic South Africa"[1] as if such an act of faith would magically remove an unpleasant racist reality or intense ethnic anxieties. Ethnic and racial groups are indeed social constructs. They are fluid; not prehistoric, primordial givens. They are manufactured and mobilized "imagined communities" whose nature is contingent and not immutable. But the Left can only ignore such "fictitious" constructs at its own peril.

Equally misleading is the seeming reification of ethnicity with reference to the emerging nationalism in the Soviet Republics. Thus Giliomee has equated "the break-up of multi-ethnic empires such as the Soviet Union" with Apartheid South Africa. He surmises that both produce in their demise "explosive conflicts along ethnic rather than class or party lines."[2] This analogy is equally erroneous and the conclusion doubtful. The Soviet Union was a coerced empire. Former sovereign states had been annexed (the Baltic states) and reluctant nations (non-Russians) colonized. Secession or autonomy now mean liberation for victims of Russian imperialism. By contrast, in South Africa ethnic independence was encouraged by the state. The Bantustan policy of divide and rule was to express ethnic continuity with the establishment of sovereign homelands. As a reaction to these failed state designs of so-called grand Apartheid, a unitary state now is the proclaimed goal of all ethnic groups. With the exception of the Afrikaner ultra-right (at most 5% of the population), no South African segment advocates secession. Unlike in the Soviet Union, the demise of Apartheid culminates in the strengthening

1. Rupert Taylor, "South Africa: Consociation or Democracy," in this issue of *Telos*.
2. Hermann Giliomee, "Are Ethnic Rifts at Root of Slaughter on the Rand?" *Cape Times* (August 22,1990).

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of central state structures by de-emphasizing ethnic allegiances in favor of nonracialism and common citizenship. Even the ruling National Party now opens itself to non-white members in competition with a non-racial ANC in a democratic multi-party contest. Each camp has a built-in interest in accommodating rather than alienating members of other race and ethnic groups.

The competition for votes will not necessarily make the major political blocs non-racial parties. Ethnic identity will not fade away. The National Party will still be dominated by white Afrikaners with English-speaking whites, conservative "Coloureds," Indians and even many law-and-order Africans as hangers-ons. Inkatha will still comprise a mainly Zulu-inspired group, despite the movement's recent transformation into an open political party. Whites or Indians in the ANC will remain a visible minority by their very class distinctions. In short, ethnicity will not disappear altogether as a voting preference in favor of ideology and interest. But unless a party wants to be condemned to permanent minority status, it cannot afford to pursue ethnic policies exclusively. It must court ethnic outsiders in order to gain a greater share of votes. With the exception of the truly nationalist Conservative Party, all major political groups have recognized this imperative by transforming themselves into formally open parties for all South African citizens. Even PAC (Pan Africanist Congress) has declared itself a home for all who own their primary allegiance to Africa, regardless of skin color.

Giliomee "doubts that South Africa can proceed to a post-Apartheid society on the basis of free democratic competition. Elections may result in horrific violence."[3] But the current violence is partly due to the absence of elections and agreement over constitutional procedures to carry out political competition peacefully. Once negotiations among all relevant parties are concluded with a constitutional accord, the contest for power can be fought through the ballot rather than by the bullet — particularly if secret balloting manages to diminish intimidation. Fear of violence is no reason to rule out elections.

However, for such realistic optimism to be sustained, it is absolutely necessary that all groups with a following be equal parties to the constitutional accord. That must include the white right-wing, Inkatha, as well as the Africanist and Black Consciousness tendencies that are skeptical or hostile to negotiations. It is not enough merely to issue formal invitations. All contending factions must also be made welcome at

3. *Ibid.*

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the constitutional table, and their specific concerns must be taken seriously by others. For example, if the right-wing will only attend negotiations, if they are allowed to discuss their Boerestaat vision in the Kalahari, then the government and the ANC would be well advised to put this item on the agenda. If the PAC want the land question addressed first, they must be guaranteed a hearing.

Unfortunately, the emerging government-ANC alliance with joint committees and responsibilities already appears to shut out the other parties as irrelevant.[4] The sooner the ANC meaningfully recognizes ideological anti-Apartheid rivals, the better for the democratic contest. Thus instead of "isolating" Inkatha, the ANC may be better served by exploring alliances. Instead of ignoring the PAC, and refusing to sit at the same table with PAC members abroad, the ANC may wish to attend a conference on their ideological differences. Mediating institutions such as the Institute for Democratic Alternatives (IDASA) have now a particular duty to go beyond the propagation of the Congress cause to bring the right-wing together with the ANC or the ANC with Inkatha and the PAC. Unless some informal dialogue between all contenders precedes the formal negotiations, there is little hope the pressure of the limelight will produce results.

Explosive ethnic conflicts following South African liberalization are by no means inevitable. Since most of the major actors desire a unified state and are bound by an interdependent economy, democratic rules of competition are mutually beneficial. In the Soviet Union, most ethno-regions are better off if they go it alone instead of complying with repressive patriotism.

While the emerging South African democracy is mainly threatened by the right, the Stalinist relics among the majority leaders should not be ignored. Unlike Eastern Europe, where some rudimentary autonomous institutions survived, the authoritarian South African system allowed independent institutions only in white society. Until recently, under the absolute control of the state, atomized and impoverished blacks have yet to develop those vital preconditions for democratic pluralism. This means that the predominantly black unions, universities, newspapers, and political parties, especially the ANC and the SACP, have a particular role to play in the development of South African democracy.

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4. As the *Cape Times* (August 22, 1990) editorialized correctly: "The ANC and government keep on telling us they are not the only parties involved, yet they continue acting as if they are the only, or at least the dominant, player."

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II

Few political groups are as misunderstood and misrepresented as the SACP. While the South African government in the past regularly painted communists as militant, KGB-led terrorists, the American press has characterized them as "not of the Gorbachev stripe but more along the lines of fire-breathing Trotsky of yester-year."[5] If anything, the SACP has been an adherent of Trotsky's main opponent, Stalin. It regularly endorsed Soviet policy until 1989 and criticized its detractors as "childish Trotskyist ultra-leftists" or "ghetto-nationalists."

The well-known alliance between the ANC and SACP makes the strategic logic of South African communists particularly important for the future of democracy. Joe Slovo, the SACP General Secretary, is Mandela's right-hand man at negotiations in Cape Town and Pretoria, and most members of the ANC delegation are self-declared communists. Only in the Apartheid state does the hammer and sickle emblem proudly fly at mass rallies. Fukuyama may naively proclaim the end of history, because the "principles of liberal capitalism have won" and "cannot be improved upon."[6] But as long as the gross inequality and historical exclusion of the majority persists, all hopes that Eastern Europe's embrace of capitalism will also prove infectious in South Africa remain wishful thinking. O'Dowd may invoke the mass migration out of existing socialism or "the stifling of initiative and progress implicit in Slovo's hatred of profits,"[7] but the dream of greater equality and non-exploitation will be fueled rather than stifled by Anglo-American monopolies. This reality gives SACP pronouncements a special importance, its quaint orthodoxy and discredited Stalinist past notwithstanding. The end of state socialism, many argue, heralds the future of democratic socialism.

Slovo has made the first attempt to shed the ideological ballast of a Stalinist past.[8] It attempts to come to grips with the Party's role in supporting it. But Slovo describes only partial features of Stalinism and does not explain it. He does not go nearly far enough in criticizing a tyrannical system whose terror is akin to fascism as well as Apartheid. By blaming human error rather than fundamental Leninist tenets, he fails to recognize the intrinsic causes of Stalinist tyranny. The Leninist notion of a "vanguard party" with "moral superiority" remains incompatible with

5. *The Wall Street Journal* (February 5,1990).
6. Francis Fukuyama, "The End of History," *The National Interest*, No. 3 (Summer 1989).
7. Michael O'Dowd, "Yes, Mr. Slovo, Modern Socialism has indeed Failed," *Business Day* (February 14 , 1990).
8. Joe Slovo, "Has Socialism Failed?" *The African Communist*, No. 121, (1990).

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liberal equality. Even if the vanguard role is to be earned rather than imposed, as Slovo now realizes, commitment *per se* is no criterion of truth or higher morality.

The exclusivity of Party membership is rationalized on the ground that only tested and committed activists are wanted, not opportunists or dead wood on whom the leadership cannot rely. In practice, this amounts to a self-styled elite within the opposition movement. SACP members are ascribed a higher consciousness and deeper insights into political reality. In Maharaj's definition of the vanguard: "Its selectivism is to ensure that those who say they want to join the Party come to a higher level of consciousness at the level of activism and at the level of understanding the political realities."[9] However, it is not adherence to any particular theory that determines what constitutes "correct consciousness," but the Party hierarchy. Maharaj despises the "ultra-Left" as "armchair theorists." He urges his Left critics to "move to a constructive mode of thinking and acting" if they do not wish to disappear as chaff "into the dustbins of history." In Maharaj's Leninist jargon, the "ultra-leftists" will have to abandon their "puritanical forms of principals in the furnace of struggle" and emerge, like the communists, as "steel." Not even the hand-picked members of the Broederbond are expected to display such "steeled" loyalty to the cause of the *Volk*. It is only after a six-month probation of supervised study and activism that a potential comrade can be admitted.

Yet an elite group may be needed to discipline and educate a vast pool of undereducated and brutalized youth. For sheer self-protection, the Party may have to be selective about those willing to join who would otherwise threaten the leadership, upset the cohesion and discredit the Party by questionable actions carried out in the name of communism. That is already the negative side of the open membership of the ANC to which the organisation has found no answer other than the futile exhortation for better political education. Since the ANC has not yet developed an effective political strategy for pragmatic politicization, it is the SACP that, almost by default, provides political guidance and organizational clout. Informally, some senior SACP members almost try to distance themselves from an embarrassingly disorganized ANC ally that cannot make decisions, or, if decisions are finally made, cannot enforce them against elements operating in the name of the ANC. Three months after the first ANC-government agreement

9. Mac Maharaj, *New Nation* (July 6-12, 1990).

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in May 1990, Mandela had to admit it had been difficult to reach guerrillas to give them new instructions.[10] Obviously, a negotiating leadership operates with little organizational infrastructure. The image of a mobilized constituency is easily mistaken for organizational clout that has eluded an illegal movement. The necessary reliance on conspiratorial methods in the past severely hampered not only organizational networking and political education but internal democratic culture as well. When 12 regional ANC organizers were finally chosen in June 1990, they were appointed without much consultation by veteran SACP stalwart Walter Sisulu rather than elected by the ANC/MDM/UDF (Mass Democratic Movement/United Front) members of the different regions, much to the dismay of longtime activists who felt left out. Only 6 months later were the regional committees truly elected.

The organizational ANC vacuum was obscured by the emphasis on underground structures during the period of illegality. The government's exaggeration of the ANC/SACP threat and the activists' wishful thinking made both antagonists believe in their own illusions. One of the most surprising aspects of the normalization of South African politics since February 2, 1990 has been how little the opposition was prepared to assume its self-acclaimed rule. Mandela's deification after his release, together with his undisputed leadership role, must also be explained in the context of an organizational and ideological vacuum, hidden behind the myth of a MDM. As many critics have pointed out, neither its mass nor its democratic character should be assumed at face value.

III

In an interview, Slovo admitted that the SACP was part of a personality worshipping cult: "I was defending the Stalinist trials of the thirties." To his credit, he does not plead ignorance, as so many other converts from tyrannical regimes usually do. "It's not that we did not know what was going on, but we just rejected whatever evidence was produced and rationalized our way out of it. . . . It resulted in a defence in principle of everything Russia did both domestically and internationally."[11] Indeed, the Party that in 1929 was told by the Kremlin to campaign for a black republic in South Africa subsequently supported the Soviet invasions in Hungary (1956), Czechoslovakia (1968) and Afghanistan. Long after

10. Nelson Mandela, *New York Times* (July 26,1990).

11. A summary of this interview with Hermann Giliomee at an IDASA conference in Leverkusen, Germany (October 1988) was published in *Die Suid-Afrikaan* (February 19, 1989).

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Koestler's seminal account of the show trials in *Darkness at Noon* (1945), long after the gradual disillusionment with the Soviet Union by most Left European intellectuals, long after Euro-communism and Solzhenitsyn, the SACP's solidarity with the Soviet Union remained unshaken.

Only a few months before the collapse of the East European client states in 1989, the SACP adopted a program that stated: "Socialist countries today represent a powerful international force. Some of them possess highly developed economies, a considerable scientific base, and a reliable military defence potential. . . . A new way of life is taking shape in which there are neither oppressors nor the oppressed, neither exploiters nor the exploited, in which power belongs to the people."[12]

Why do people with such an acute sense of injustice in their homeland become blinded to oppression elsewhere?[13] The admirable early commitment of South African communists to the cause of liberation feeds on the self-definition of being the guardians of a universal rationality, of which the Soviet Union was considered the first realization.

Slovo now claims he has had personal doubts since the middle 1950s. However, he remained silent on the subject and the Party continued to endorse subsequent Stalinist practices. When pressed as to why, the answer amounts to expedience: "It became almost risky and counter-productive to battle this issue out in our Party. It would have caused an enormous split, and it had less and less bearing on our own work."[14] Such opportunism on a vital issue disproves Slovo's current claim that there has always been internal democracy in the Party. If the Party could not take a principled position on Stalinist crimes for fear of a split (or, more likely, for fear of being denied Soviet assistance), then its internal debates on peripheral issues were meaningless distractions.

Choosing between the political goal of effectively opposing Apartheid and the ethical necessity of denouncing Stalinism obviously placed the SACP in a predicament. The Soviet Union construed any criticism as disloyalty. Under these circumstances, a public stance against its sole sponsor would have jeopardized the very purpose of the Party, i.e., the

12. *The African Communist*, No. 3,(1989), p.118.

13. In a fascinating study, Johnstone has pointed to the phenomenon of "racial bracketing," of "putting the racial problem into a special category of irrational evil. This permits a double standard: the old double standard of the Leninist Left (fascism as dictatorship is bad, communism as dictatorship is O.K.). Domination could be condemned by domination: racial domination (fascism) by rational domination (Leninism), irrational evil by a rationalist Marxism sitting in judgment on the privileged throne of Enlightenment reason and truth." See Frederick Johnstone, *Apartheid and the Gulag*, ms., 1989.

14. Summary in *Die Suid-Afrikaan* (February 19,1989).

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liberation of South Africa. Cut off from financial and military assistance in the absence of alternative sources of support, the SACP would have condemned itself to organizational ineffectiveness and political paralysis. Faced with such a choice, it is understandable why the Party opted for organizational clout rather than morality, although the separation of expediency from ethics must be difficult to rationalize for a Party of self-claimed "moral superiority."

The issue, however, is not whether South African communists made the wrong choice in favor of politics against morality. The real question is whether the SACP went beyond political necessity and enthusiastically endorsed Stalinist practices. There is considerable evidence that this was indeed the case, and a majority of Party members identified with Soviet strategy as politically desirable and ethically justifiable. They glorified and romanticized the Soviet Union against all criticism and thereby also discredited the anti-Apartheid cause. For this politically foolish, but most of all morally reprehensible position, the Party ought to be held responsible in as much as former Apartheid supporters should not now be let off with the mere lame excuse that the grand experiment has failed.

To be sure, there has also been some internal dissent. Some Party members left with a troubled conscience, others were purged by the Stalinists themselves. Slovo as an individual must not be equated with the organization. Yet the record shows that, in all its public and official pronouncements, the Party spoke with one Stalinist voice. Party publications did not reflect any debate or even slight qualms about what had developed at the very least into a great taboo.

There is now a new myth emerging that has whites joining the Communist Party for the noble cause of fighting Apartheid rather than advancing socialism. As Fredrickson put it: "Many of the whites who joined the Communist Party seem to have done so more because they hoped to prevent race war and to achieve a racially integrated and egalitarian South Africa than out of support for the Soviet Union or even for a proletarian revolution."[15] Besides the fact that only a small percentage of Party members was white, the statement overlooks the dual motive of committed communists that saw in the ascendancy of the Soviet Union and socialism the most effective way to defeat South African racism. There is ample evidence that whatever the initial motive for joining the Party had been, it frequently became overshadowed by the advocacy of Soviet policy, sometimes at the expense of the goal of an

15. George M. Fredrickson, *The New York Review of Books* (September 27, 1990).

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egalitarian South Africa. The Soviet doctrine of "socialism in one country" subjected all local concern to the overriding interests of Moscow. The SACP submission to all Soviet foreign policy decisions is clearly documented in the Party publications. Not only was such an adherence to a sponsor accepted uncritically and invariably by the Party — even on such controversial issues as the Hitler-Stalin pact — but Party publications and resolutions consistently endorsed and defended Soviet imperialism while inveighing militantly against its Western counterpart.

The initial rejection of South Africa's entry in WWII is a good example. The denunciation of South Africa as the worst kind of fascism, which should be fought at home rather than in Europe on the side of Western imperialists, let one editorial writer in the Party organ declare in June 1940 that "he would rather be a Jew in Hitler Berlin than a Native in Johannesburg."[16] It was only after Hitler attacked the Soviet Union in June 1941 that the Party changed its anti-war stance. "Accordingly," a Party historian writes, "the Party launched a series of dynamic campaigns to transform South Africa's contribution to the Allied war effort in accordance with the potentialities. . . ."[17]

The question remains: can the communists' dedication to the anti-Apartheid cause, the suffering they endured like no other group and the bravery they showed, obliterate their simultaneous political foolishness and moral culpability in supporting Stalinism? The tendency is now to forget, forgive and excuse in light of other achievements. Thus in a review of Baruch Hirson's bitter Trotskyst critique of his Stalinist comrades, Krilder concludes: "Whatever their involvement in expulsions of Party members and despite their subservience to the Moscow line, what they strove and bravely fought for threatened a racist and authoritarian state. And in the last analysis, this — not the shoddy, Moscow-induced politics in which they sometimes engaged — is their legacy."[18] However, if human rights are universal, the anti-Apartheid struggle, no matter how noble and dedicated, cannot be divorced from human rights violations elsewhere. Expedient silence here affects the credibility there. Support for one of the worst tyrannical systems invalidates democratic claims elsewhere as long as the Party has not come to terms intellectually with its misdeeds. The Stalinist past haunts the democratic future.

16. No author, *South African Communists Speak 1915 -1980* (London: Inkululeko Publications, 1981), p.151.
17. A. Lerumo, *Fifty Fighting Years* (London: Inkululeko Publications, 1971), p.79.
18. Jeremy Krilder, *Weekly Mail* (June 22, 1990).

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IV

The more striking feature about the renewed socialism-versus-capitalism debate in light of Eastern European developments is the emphasis on performance that both protagonists stress. Slovo goes beyond this sterile comparison of output but still cannot resist the usual praise of the Soviet Union and Cuba in terms of material achievements: "There are more graduate engineers than in the U.S., more graduate research scientists than in Japan and more medical doctors per head than in Western Europe. It also produces more steel, fuel and energy than any other country. How many capitalist countries can match the achievements of most of the socialist world in the provision of social security, child care, the ending of cultural backwardness and so on? There is certainly no country in the world which can beat Cuba's record in the sphere of health care."[19]

Even if these statistics were taken at face value, one would have to ask what they mean in broader terms. The Soviet Union represents the only modern society where life expectancy is declining. The country has to import food and lacks basic consumer goods despite its large number of graduates or steel production. Cuba may have the best health system, but it also quarantines all AIDs carriers. Finally, what does "ending of cultural backwardness" really mean, when after 70 years of socialism, the country is wracked by ethnic riots, religious intolerance and virulent anti-Semitism. When Western Europe denationalizes, the socialist East re-nationalizes with the worst kind of 19th-century chauvinism. How is "cultural backwardness" measured?

Instead of celebrating with the rest of the world and the oppressed Eastern European population the downfall of the corrupt Honecker regimes the editor of *The African Communist* regrets the new search for democratic socialism that the liberalization in Eastern Europe made possible: "The disappearance of the communist governments of Eastern Europe has been an undeniable setback to the liberation movement. . . ."[20] In Cold War fashion, he equates "the threat to the Soviet Union, Cuba and other communist governments" with "the domination of imperialism."

For the SACP, the 1990 collapse of the communist movement represents merely a process of "cleansing." A Party journal's editorial reiterates SACP goals "to establish a socialist republic in South Africa based on the principles of Marxism-Leninism, to promote the ideas of proletarian

19. Slovo, *op. cit.*
20. *New Nation* (June 22,1990).

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internationalism and the unity of the workers of South Africa."[21] The Party closes its eyes to Eastern Europe when it defiantly asserts: "Nothing that has happened in Eastern Europe or elsewhere makes us believe that this perspective (Marxism-Leninism) needs to be altered."[22] Cocooned in a dream world, the Party's 7th Congress in 1989 declared that "the advances of the socialist countries inspire the working people throughout the world. . . ." Such dogmatism refuses to notice that the Eastern Europe example has discredited the socialist idea elsewhere.

Slovo defines Stalinism as "socialism without democracy." He repeatedly refers to "distortions" from the top. It is pilot error rather than the plane's structure that is responsible for its crash. Even pilot faults are referred to euphemistically. Ruthless purges, including the systematic killing of substantial sections of the Russian officer corps by a paranoid clique before the German invasion, are described in functionalist terms as "damage wrought to the whole Soviet social fabric (including its army) by the authoritian bureaucracy." There is no comprehension of Stalinism as "internal colonialism" akin to Apartheid.

Slovo's "judicial distortions" are tantamount to an unwitting rationalization of the show trials. "Distortions" leave the principle intact by merely deploring its excesses. Had Stalin killed a few million less or even only one committed comrade, it would still be a crime. Yet nowhere in Slovo's account does one find an adequate explanation, let alone some moral outrage, about the Stalinist Holocaust. The paper amounts to a distancing of the SACP chairman from an embarrassing past without addressing the causes of the crime. The refusal to trace the tyranny hides behind its unfortunate effects: the discrediting of socialism. Yet proper naming remains crucial for overcoming and understanding a criminal past. Metaphors and euphemisms ("distortions") deny it. Stalinism's fault was not primarily the discrediting of socialism but its tyranny.[23]

Almost alone on the Left, Johnstone insists that the Gulag is about Apartheid, that Auschwitz is about Cambodia. "It is certainly no accident that even now, by the end of the twentieth century, the horrendous fact that the human tool of Stalinism exceeded Nazi crimes

21. *The African Communist*, No. 121, (1990).
22. *Ibid.*
23. Aryeh Neier has perceptively pointed to a reverse personality cult in the personalized blame of Stalin. "According to current official pronouncements, virtually all the evils of the past can be attributed to a single villain in much the same way that Stalin was once credited with every achievement in the Soviet Union. The effect is to promote a cult of personality in reverse." See his "What Should be Done about the Guilty?" *New York Review of Books* (February 1, 1990), p. 32.

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against humanity remains greatly unreflected upon its deeper implications. Or that many on the Left would dismiss any attempt to think about the Leninist state in terms of the Apartheid state."[24] Slovo's laudatory attempt to reflect critically on Stalinism ultimately fails, because he does not draw the obvious connections.

The victims of Auschwitz, the Gulags and Apartheid are not concerned in whose name they were killed and maimed. The present Apartheid labor system compares almost favorably with the Leninist system that prohibits independent trade unions. Both combat idleness. But forced labor under the exhortations of discipline for the people's cause is worse, because of its pretenses. In the original Marxian vision, alienated labor was to be abolished. Leninists glorified higher productivity as the patriotic duty of selfless brigades. The Apartheid laborer at least knows of his exploitation and grudgingly complies because there are no alternatives. The Leninists and the Stalinists betrayed their victims in addition to exploiting them. This explains the magnitude of the fury for revenge when set free. Blacks in South Africa always knew that racist rule was for the benefit of the ruling race. They do not feel cheated as the hardworking Party member did when the luxurious corruption of the people's representatives was finally revealed. Hence most blacks merely desire their proper share rather than wanting to turn the tables.

V

Slovo reiterates the scientific nature of Marxism. He refers to it as a "revolutionary science" or a "social science whose fundamental postulates and basic insights into the historical processes remain a powerful, (because accurate) theoretical weapon." The insistence on the scientific nature of historical processes, which can only be established by positivisit methods, has long been abandoned by leading historians and critical theorists. Instead, they stress the hermeneutic, interpretative task of analysts. Social *science* is a misnomer, in as much as it assumes that human behavior is predetermined by laws similar to those in the natural sciences that can be verified or falsified by the proper Marxist method. In this postulate, human agency, the essential open-endedness of history, is denied. It usually results in a crude reductionism or economistic approach that neglects that people not only have material but ideal interests as well. The infinitely varied subjectivity through which

24. Johnstone, *op. cit.*

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people perceive, interpret and mediate their world cannot be reduced to an epiphenomenon, the powerful attraction of materialist rationality notwithstanding. Individuals are more than agents of interests.

Slovo restates the central tenets of "Marxist revolutionary science," i.e., that the class struggle is the motor of human history, that "all morality is class-related" and that "working-class internationalism" is the most liberating concept. But who are "the people," the "working class"? Who is "society as a whole" that, according to Slovo, should assume control? In the South African debate against Leninists, Frost has rightly reiterated a point made at the turn of the century by Robert Michels, and later documented by Max Weber: "In modern states control by society as a whole means in practice bureaucratic rule. . . . Those who say organization inevitably say oligarchy," asserts Michels. Oligarchic tendencies can only be counter-acted by a democratic culture below, not by Leninist "democratization from above."[25]

Like Marx, Slovo hypostatizes an abstract working class. But *the* working class is comprised of blacks and whites, men and women, religious adherents and agnostics, homosexuals and heterosexuals, skilled and unskilled workers who live in urban or rural settings. Above all, there are employed and unemployed. By ignoring all these faultlines under an abstract category, the concept misses the crucial social texture. Yet whether a group *is* or can become the leading force in a conflict depends as much on those differential social conditions as on common material interests.

To expect solidarity because of common exploitation is a long-standing illusion. Yet it is precisely such a self-deception on which the ANC and the SACP base their strategy. Working class unity and solidarity have failed worldwide. Ever since the German social democrats voted for the Kaiser's war budget in 1914, the dream of internationalism has suffered repeated set-backs. It has nevertheless remained an elusive idea. In a crunch, organized labor wants to prove its partriotism against conservative accusations of disloyalty. Thus workers participated in the nationalist euphorias in different political cultures as readily as their class antagonists — from the World Wars to the Falkland conflict and Armenian-Aszerbaijani clashes in the Soviet Union. External enemies defused internal class conflicts. Ethnic divisions undermined solidarity. A split labor market — with more expensive indigenous labor pitted against a more exploitable immigrant labor in most Western states — proved an

25. Mervyn Frost, "Opposing Apartheid: Democrats against the Leninists," *Theoria*, No. 71 (May 1988), pp. 15-22.

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ideal situation to counteract union militancy. Working class racism and chauvinism remains one of the great taboos within the Left.

Given this record, it is the more surprising that the dream of working-class unity still lives on in a society where its white and black segments are politically and legally furthest apart. Because an economic recession has also affected the privileged white working class, the ANC and SACP argues, the prospects of a common struggle with black workers have opened up. "It is becoming clearer to sections of white workers, faced with growing impoverishment, that they have to stand up in the face of economic policies aimed at appeasing big business and strengthening the Apartheid regime."[26] Despite the long tradition of similar failed strategies, the Left Apartheid opposition hopes that resentment of big business by white workers will translate into common action with black unions. "This has opened up some possibilities for these workers to be drawn into struggle, and in action, to realize more clearly that their true interests lie with their fellow black workers and the democratic trade union movement."

However, in the eternal conflict between common interest and nationalist-racist surrogates, it is futile to bank on the superior rationality of interests winning out. Symbolic satisfaction of belonging to an imagined community of superior qualities easily defeats the potential real benefits of solidarity. The appeal to emotional rewards wins over the calculations of material interests. Rather than joining COSATU or the ANC, the few remaining white workers flock to the neo-fascist AWB. Deep resentment over loss of status and real economic insecurity drives its victims into the camp of those who long for the restoration of a lost past. That was one of the lessons from Nazi Germany.

By building its strategy on white-black working-class alliances, the SACP not only starts from false assumptions but neglects to address an increasingly significant split in the labor movement: the competition between employed and unemployed. Neither the ANC nor COSATU has devised a strategy to cope with one third of the national workforce who are unemployed. Unions increasingly represent only those employed. Mere employment in South Africa almost qualifies for membership in a "labor aristocracy": having a job is already a mark of privilege. The whole range of life-chances — from access to housing, medical care, education and pensions — depends on employment. Those millions outside the formal economy — in the backyards of townships, in the shacks

26. The January 8, 1989 ANC National Executive Committee Annual Policy Statement.

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around the cities and in desolate huts in the barren countryside — form a permanent underclass. The liberation movements have yet to organize these permanently marginalized outsiders, unions have yet to address the relation between employed and unemployed workers. With the ranks of the unemployed swelling, the state finds ready recruits for its various police forces; local war-lords organize vigilante groups from a vast pool of resentment; puritan, fundamentalist church cults vie with drug peddlers and petty criminals for the souls and pockets of the downtrodden. Orthodox Marxism has traditionally written off this *Lumpenproletariat* constituting a substantial section of the South African population.

VI

The 1989 SACP program "The Path to Power," claims to be "guided by the theory of Marxism-Leninism" as well as its own and others experiences of revolutionary struggles. It repeatedly postulates "seizure of power" as its goal and asserts: "We are not engaged in a struggle whose objective is merely to generate sufficient pressure to bring the other side to the negotiating table." Yet barely a year later the SACP officially negotiates with "the enemy." The SACP chairman assures capital that only a mixed economy guarantees growth. He declares "the narrow issue of nationalization is a bit of a red herring."[27] In Slovo's pragmatic assessment, the South African economy cannot be transformed "by edict without risking economic collapse." Instead of bureaucratic *state* control along Eastern European lines, Slovo now advocates *public* control through effective democratic participation by "producers at all levels."[28] This amounts to a classic social-democratic program of co-determination where large firms are held publicly accountable and union representatives sit on boards. Since such widely legitimate visions are also considered negotiable, not much of economic orthodoxy is left among former Leninists. The collapse of Eastern European state socialism finally has shown its impact on some of its last fervent adherents.

As a test of reality, classical Leninism misled the SACP in its understanding of a totally changed constellation. The SACP's orthodox worldview could not envisage three crucial developments that did not fit the predetermined configuration of interests. First, the ANC/SACP leadership was surprised by the active support that the sanctions calls received in Western capitals, Margaret Thatcher notwithstanding. In

27. Slovo, *Argus* (February 28, 1990).
28. Slovo, *The African Communist*, No. 121, (1990).

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SACP theory, Pretoria as the outpost of imperialism has been and would always be propped up by its international sponsors. Isolation and pressure on the Apartheid regime would have to emanate primarily from progressive socialist and non-aligned countries. In fact, the opposite occurred: South African trade with African and some other Third World countries increased; diplomatic contacts between, e.g., Pretoria and the Soviet Union or Hungary improved while South Africa's relations with the US and EEC deteriorated.

Second, these trends increased pressure for Pretoria to seek a negotiated solution, particularly in light of the cut-off of foreign investment capital which threatened to by-pass South Africa in favor of Eastern Europe. Faced with benign neglect by its traditional allies without a political settlement, South Africa had to change course if it aspired to remain part of a global economy and avoid becoming a future Albania. By its own admission, the SACP was caught off-guard when it was legalized on February 2, 1990. After waiting thirty years for liberation, the ANC also found itself unprepared. Believing in its own propaganda of a fascist, racist enemy, most exiles never took seriously the warnings about their opponents' adapting, deracializing abilities and modernizing potentials. Without an adequate theory of the antagonist, the opposition wasted precious years with ineffective strategies. Finally, the slavish support for the Soviet Union made the SACP one of the last foreign parties to understand Eastern Europe. A worker's party that backed the Polish government against Solidarity proved unable to sense the people's anger that finally swept East European rulers out of power. Deprived of Honecker's solidarity, the SACP exiles suddenly found themselves searching for new international allies almost against their will.

Despite its newly professed anti-Stalinism, the SACP held its 7th Congress in 1989 in one of the last Stalinist redoubts: Havana. Observers have interpreted this choice as "perhaps indicative of the schism between the SACP and the CPSU"[29] that *perestroika* and the flagging Soviet interest in regional confrontations with US allies has brought about. Yet the test for the future South African democracy may not lie in past alliances of the most committed component of the Apartheid opposition, but in its internal practice of a democratic culture in the new constellation. The recognition of union independence by the SACP, together with the conditional endorsement of a multi-party system and traditional liberal freedoms, bodes well for South African democracy, despite the Leninist relics and a repressed Stalinist past.

29. *Africa Confidential* (January 12, 1990).

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Because SACP members are the major force in the theoretical debates within the broad Apartheid opposition, its own practice of internal democracy influences the style of the entire movement. Whether the SACP declarations for democracy should be taken at face value or treated with skepticism is best tested by the behavior of the Party itself. At present, the organization remains a self-styled elitist group with a semi-secret membership, apart from the leadership. While security reasons can be legitimately invoked for this undemocratic traditon in an authoritarian environment, the time will arrive where a more democratic climate allows and requires less clandestine behavior. Will the SACP, nevertheless, continue with placing its members into strategic political and union positions in the same way as the secret Afrikaner Broederbond infiltrates influential Afrikaner and government institutions? As long as the Party has to explicitly "authorize" its chairman to circulate a discussion paper, it resembles more an authoritarian Jesuit order for the organic intelligentsia than an open, broad-based vehicle for the self-critical exploration of a feasible socialism. Jordan, one of the few unorthodox intellectuals in the ANC top hierarchy and himself a one-time victim of SACP paranoia in the movement, has harshly pointed out that "the political culture nurtured by the SACP's leadership over the years has produced a spirit of intolerance, petty intellectual thuggery and political dissembling among its membership."[30] Such a culture of authoritarianism does not bode well for the chances of democracy in the post-Apartheid era — despite the new SACP lip service to democratic values. However, the pressure for democracy from below, particularly in the unions, may well force the SACP to abandon the relics of Stalinism.

What white South Africa has not yet understood is the recent development that turned rhetorical Stalinist ideologues into the ANC's more pragmatic force. With a disintegrating Soviet bloc seeking peace and investments instead of world revolution, South African communists have nowhere else to go but home. This makes them unexpected allies of Pretoria's negotiation project, even "without a hidden agenda," as Slovo assured during the first Groote Schuur talks. The SACP now considers reconciliation and trust a useful method to bridge differences. Against all tenets of Marxist orthodoxy, the Party journal editorializes: "Recent events have proved abundantly that long-standing prejudice can be dispelled by personal contact,"[31] as if antagonistic interests could be wiped out by pleasant small talk at cocktail parties and conferences.

30. Pallo Jordan, "The Crisis of Conscience in the SACP," *Transformation*, No. 11, (1990).
31. *The African Communist*, No. 123, (1990).

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The SACP's professed socialism in the second stage, after democracy has been achieved, depends in Slovo's words on the "class forces in play" at that time. In practical terms, this puts socialism on ice. Once non-racial capitalism delivers the goods, relatively color-blind, Marxist socialist parties shrink or turn into social-democratic parties, as has been demonstrated the world over.

Because of its past radical image, the SACP leadership can entice a skeptical youth into the negotiation process. From this perspective, the government should welcome the red flags. If anyone can prevent a latent counter-racism and make a rational color-blind attitude prevail, it is the ideological indoctrination in internationalist universalism by traditional Marxists. That is the historical merit of South African communists, their undemocratic Stalinism notwithstanding. The self-critical Slovo account of the failure of socialism constitutes the first indication of a democratic renewal that may lay to rest van den Berghe's skeptical comment, that "South Africa, which has already spawned the world's last official racists, may also see its last Stalinists."[32]

VII

The question remains: to what extent does the SACP's residual Stalinism color the ANC? Given that most members of the ANC hierarchy are also SACP members and that the close alliance is likely to continue into the post-Apartheid era, the prospects of democracy are directly affected. Most ANC internal critics so far have complained mainly about administrative chaos, uncertainty about decision-making and authoritarianism, "geared to an underground conspiratorial organisation" where orders come from above and debate is limited. The editor of the *Weekly Mail*, symphatetic to the ANC, pointed to complications at various levels of leadership: "The returning ANC hierarchy, the internal ANC leadership, the UDF executive, those who were thrown up in the Mass Democratic Movement during the Emergency, the military commanders, the Robben Islanders. . . ."[33] But such stylistic differences and internal organizational competition would be welcome indicators of democratic pluralism if they did not represent a much deeper ideological dilemma.

With the Apartheid enemy gone, the amorphous ANC alliance is in danger of ideological disintegration. The only force with sufficient discipline and cohesion to come out of this internecine strife relatively intact

32. Pierre van den Berghe, "South Africa After Thirty Years," ms. (1989).

33. Anton Harper, "The ANC Begins to Wobble as it Nears the Home Straight," *Weekly Mail* (September 21,1990).

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is the SACP, based in the unions. Redefined as a Left socialdemocracy for redistribution alongside economic growth, it is likely to survive the discrediting of socialism elsewhere. The long lasting mass poverty of a black proletariat will see to that in South Africa. No fictional consumer nationalism and yearning for a market is likely to pacify this quest, as in Eastern Europe. Therefore, unlike the Citizen's Forum in the former East Germany and elsewhere that were overtaken by conservative forces of anti-communism, the initial radical advocates of change in South Africa are likely to stay around as a formidable force. However, whether they will show a socialism with a human or authoritarian face is unclear. Mandela's moderation is not necessarily an indicator of things to come when political competition starts in earnest. The real dilemma is the lack of a democratic culture in black politics.

Adherence to a multi-party system is half-hearted and contingent. A March 1990 meeting of the SACP and COSATU in Harare resolved that "in general" the multi-party system "provides one of the favorable conditions for democratic participation" but also states that "a one-party-system cannot be ruled out in principle — particular conditions may make it necessary."[34] Of course, it would be the SACP that decides when formal democracy has to give way to a more meaningful "people's democracy." The constant invocation of " the will of the people" almost implies a totalitarian assumption, as if the people were monolithic and had only one will. Speeches by ANC leaders or articles in ANC/SACP journals hardly ever refer to competitors such as the PAC, AZAPO or Inkatha by name, but denigrate them as "third forces." Typical is a reference to Buthelezi by Thabo Mbeki as "that person who claims to represent 7 million Zulus." Despite the central message of unity of the anti-Apartheid forces at the first South African public rally of the ANC/SACP leadership at Mitchells Plain, neither the main speaker, Slovo, nor Mandela or Alfred Nzo or anyone else mentioned the name of Biko or Sobukwe in their long historical reviews.

To be sure, it is no longer true that the ANC makes hegemonic claims to power. It has now realized that Afrikaner nationalism has to be accommodated and a simple transfer of power is an unrealistic demand. But the ANC still claims ideological hegemony. At the first Afrikaner-ANC meeting in Dakar in July 1987, there were several hours of heated debate about who should sit where at the final negotiating table. Maharaj and even the pragmatic Mbeki insisted that Buthelezi and others would

34. *The African Communist*, No. 122 (1990).

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not be excluded, but had to sit with the regime on the other side of the table. A round table where every party would be represented in its own right would be out of the question in a polarized conflict.[35] When such tendencies are justified in the name of Marxist orthodoxy by old-style Stalinists they threaten an emerging democracy no less than right-wing violence in defence of Apartheid. Slovo's deficient attempt to criticize Stalinism as "socialism without democracy" almost sounds progressive in light of the visions of some of his influential comrades, such as Harry Gwala. His views deserve closer scrutiny.

One of the most astonishing features of the Stalinist show trials was the humble plea by most convicted that they be duly punished or even executed for their crimes. The brainwashed defendants — previously all strong, self-confident, highly placed and committed communists — in the end believed themselves in their "unintended crime," because the Party's collective wisdom had so decreed. An analyst of the Slansky affair put it succinctly: " The main point of the trials was the violation of reason, of logic, of common sense. They proved that lies can be impossible or outrageous, and still be taken as truth; they are protected not by logic but by state power."[36] When one reads the rationalization of Stalinism by some South African communists now, it seems as if the violation of common sense and evidence can be achieved even without psychological torture. There is a constant repetition of the theme that "the excesses committed under Stalin, while not justified" must be seen in the light "that spies and saboteurs were being infiltrated into the Soviet Union."[37] Thus, Gwala, an influential local Natal leader and member of the SACP "Interim Leadership Group," explicitly rejects "the denunciation of Stalin" by Slovo. "This sort of nihilism only clouds the issue and does not deal with the problems of socialism scientifically." In Gwala's view, the talk of giving socialism a "human face" is incorrect because "to us Marx's socialism has only one face, the scientific face." Against all evidence, there is an unyielding dogmatism. According to Gwala: "The saying that the term 'dictatorship of the proletariat' has been abused and

35. John Kane-Berman, the Executive Director of the liberal South African Institute of Race Relations, has referred to these tendencies as "political monopolism." He listed as other totalitarian indicators the insistence that all foreign funds should be channeled to one organization or that visitors and South African artists abroad should be vetted by the ANC's "cultural desk." Cf. *Race Relations News* (August 1990).

36. Josef Skvorecky, "The Theater of Cruelty," *The New York Review of Books* (August 16, 1990).

37. Harry Gwala, "Let us Look at History in the Round," *The African Communist*, No. 123 (1990).

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therefore we must shy away from it sends shivers down our spine." The Cold War and the siege of the communist bloc by Western imperialism is said to justify or at least explain "extreme measures." While Soviet domination "protected" Eastern Europe from such machinations, in the Western part "the American troops saw to it that the working class was stifled." Those are the views of a leading South African communist who, together with his comrades, proved powerful enough to initially veto the planned meeting between Mandela and Buthelezi.

Others, not necessarily indoctrinated ideologues, nevertheless translate the hardline message into immediate strategy. Zwelakhe Sisulu, the editor of the church-funded *New Nation,* urges: "It is imperative that once genuine negotiation starts, there should be two positions on the table: that of the people and the regime." Sisulu does not wish to tolerate independent or non-affiliated forces: "In our struggle, we can no longer afford to have grey undefined areas."[38]

The editor of the competing Cape Town alternative paper, *South*, defines the role of his outlet as "to convince the leadership of the extra-parliamentary movement and the country's majority of the value of a free press."[39] The fact that such an obvious value still has to be argued and that the ANC's Aziz Pahad finds it necessary to state that "press freedom in a post-Apartheid South Africa is assured," testifies to the fragility of this basic right. Presently, however, it is not nationalization or state censorship that is likely to threaten a free press, but the intimidation by local activists who do not wish to tolerate alternative voices. Journalists from the Africanist-leaning *Sowetan* and the Inkatha-owned *Ilanga* tell horror stories about pressure to conform. At one stage, the comrades simply threatened shopkeepers in the townships not to sell these "confused papers," and their circulation dropped substantially as a result.

Against the leadership's assurances of legality and security, there is the readiness of militant youth to short-circuit the process through direct action. Among the resolutions passed by the April 1990 Congress of the ANC youth league SAYCO is: "People must occupy empty houses in white suburbs. Empty land will also be occupied."[40] Such understandable militancy in the midst of high unemployment is hardly ready to wait for the legal niceties of constitutional democracy to improve grim life chances.

Continued political violence must be understood in this context. It

38. Editorial, *New Nation* (April 20, 1990).
39. Moegsien Williams, *South* (May 17-22, 1990).
40. *New Nation* (April 20, 1990), p. 6.

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cannot be solely attributed to political manipulation and other single causes. Once the decision was made that Inkatha had to be "isolated on the ground," a politicized youth was ready to do battle in the name of the ANC as much as the traditionalists on the other side were prepared to defend and expand their shrinking territory. In socio-economic terms, the continuing clashes are not tribal wars, nor are they any longer under the control of their respective leadership, even if both sides earnestly tried to call off the killings. The conflict is primarily between an urbanized and atomized youth, on the one side, and rural traditionalists, on the other. The strife reflects the competition between a relatively privileged, unionized labor aristocracy and poorly housed migrants of an impoverished underclass in a declining economy. Despite claims of solidarity, the middle-class-based ANC leadership and the civic associations have made few attempts to represent and integrate the denigrated and illiterate work-seekers and squatters. Inkatha against UDF/COSATU in Natal or Witdoeke against the ANC in the Cape, are merely labels for antagonisms among differentially placed members of the same ethnic group. While police involvement and living conditions contribute to the strife, it cannot be reduced to such single factor explanations as political rivalry, tribalism or police instigation. The chances of democracy can be enhanced by political education and wise leadership of democratic parties in South Africa and Eastern Europe. In the final analysis, however, a democratic political order in both areas depends on a rapid improvement of the economic situation.

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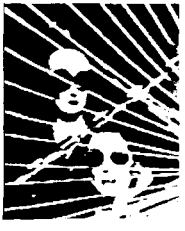
OR, THE CULTURAL LOGIC OF LATE CAPITALISM

FREDRIC JAMESON



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Quebec, Apartheid, Lithuania and Tibet: The Politics of Group Rights

Frederick Johnstone

There are millions of Quebeckers and millions of Zulus. But be careful when you talk about that. Do not use the "E word" in South Africa. But do not fail to use it in Canada. And do not talk about group rights in South Africa. But do not fail to talk about them in Quebec. Like alpinists who climb Mount Everest because "it is there," the ANC routinely dismisses Inkatha (the Zulu movement) on the apparently self-evident grounds that "it is ethnic." And democracy is simply equated with individual rights. ANC visitors to Canada then find that political life in "progressive" Quebec is essentially structured along ethnic lines, and that Canada's constitutional crisis is all about group rights.

"Progressive" Canadians, in the meantime, go this way and that way on human rights. Apparently group rights are OK for Quebec (and be careful: you may be a racist if you disagree), but not for South Africa; or never for anyone — according to the libertarian view. The South African ambassador to Canada is not asleep at the wheel. He is quick to agree with the first part of that, and to applaud the Meech Lake Accord. The Accord proposes to revise the constitution by giving special status to Quebec as a "distinct society." But the Accord is vetoed, in a cliff-hanger crisis, by two other distinct societies — Newfoundlanders and native "First Nations" — who do not want special rights just for Quebec. The Canadian army, which is not usually heard of, then goes into action, not in Iraq, but in Quebec, to put down a rebellion of Mohawks talking about "sovereignty." The army is applauded by Quebec, which also wants sovereignty, but only for the French not for the Indians.

So Canada gets a hot summer of ethnic theater, of wounded honor, of ethnic revenge. Anglos in Ontario stomp on the Quebec flag, to resist

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the "invasion" of French (i.e., bilingual cornflakes boxes). And the French watch endless TV re-runs of this "racist" insult, while a French mob stones Indian women and children trying to escape from the army. Anglophones condemn Quebec language laws as fascist, in the name of individual rights; Francophones defend them, in the name of collective rights for Quebec; and Indians condemn them, in the name of collective rights for Indians. And the result is a kind of Orwellian compromise called "inside/outside rights": English permitted in the store, but only French outside, on the store front.

While libertarians speak of the primacy of individual rights, Quebec intellectuals reproach the world for not understanding "Quebec's soul," and the Assembly of First Nations asks awkward Amazonian questions. Canada now totters on the brink and might only be saved through some form of group rights. Elsewhere, all over the place, from Lithuania to Tibet, distinct groups remind the modern world that the "end of history," in addition to all the other things that are not ending, it is not the end of the "E word." So there is no shortage of doublethink and mixed messages about ethnicity these days, as any five minute conversation between ANC-ers, Quebeckers, Mohawks, Tibetans and Lithuanians would reveal. Perhaps there have not been enough such conversations.

That is not because the ANC is wrong on group rights. On the contrary, there are very good reasons for the democratic movement's anti-ethnic stand, which have to do with the legacy of apartheid, and which are well captured by Taylor's critique of consociationalism (in this issue of *Telos*). But the issue is not group rights itself (as Taylor implies) so much as the situational legitimacy of claims to group rights. So the critique does not have to be framed as rejection of group rights *per se*: that logic does not go down too well with the Mohawks.

The legitimacy of any such claim varies according to the nature and history of the claimant group. Victim groups and oppressor groups are obviously in different boats, and oppressor groups are liable to what can be called a "rights forfeit." They may well have to forfeit some future rights, as a deferred cost, to them, of their past domination. That is the basic difference between Quebeckers and Afrikaners, and between the group rights issue in Canada and South Africa. Who wants to question Quebec's right to some form of collective self-determination in response to a colonial legacy of conquest and discrimination in North America? But, on the other hand, who wants to shed any tears right now about "white plight" and "Afrikaner identity" in South Africa?

If there was no question in principle about Germany having to pay the price of Nazism by suffering occupation and division for about fifty

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years, need there be any question in principle about South Africa's white minority having to accept the will of the black majority about its future rights? This is what prolix theories about "social pluralism" do not seem to understand. The real world of human rights is not cloud cuckoo land. A history of domination can mean a forfeit of rights. A long history of white supremacy, of white wealth and black poverty, of often vicious white rule, means that whites have no prior claim to group rights, and must give up power unconditionally, as colonial elites elsewhere have had to do. They will indeed be at the mercy of the black majority, which could deny them a lot. But, as it turns out, what they are faced with in the ANC is a movement committed to fairness, democracy and rights for all, rather than to hanging every white from the nearest tree. This ANC universalism is already a concession, a magnanimous gesture of high principle, and a remarkable feature of South Africa today. The fact is, as well, that instead of hanging from trees, whites may still be staying in the penthouse. ANC universalism means not just continuing rights for whites but continuing privilege. That is the practical critique of "group fears": economic privilege does not depend on political power, even if it has benefitted from that in the past. Class power does not depend on race rights.

This is where the American case is important. For what it clearly shows is that once race inequality has been cloned into the class structure, into its universalistic DNA, elite privilege easily continues without group rights. One does not need group rights to have a big house. Furthermore, the big house may be even safer once some blacks have a big house too. Elite privilege actually becomes more stable, less explosive, once de-racialized, de-particularized, re-legitimized by the meritocratic universalism of class: class means not having to worry about a revolution in the ghetto in the name of black freedom. Meritocratic ideology takes care of that. The situation of American blacks never seems to get any better. But, interestingly enough, that never seems to make any difference.

So universalism may lose you group rights but it leaves you with class rights and defuses the inequality time bomb. And that is an equally remarkable prospect: whites still in the penthouse. That, of course, will be a big challenge for any ANC-type government (if that is what the majority elects): how to redress the ongoing racial inequalities of an officially de-racialized capitalism, within the liberal democratic rules of the game which the ANC claims to stand for, without reverting to the Leninist equivalent of group rights (proletarian dictatorship) or to some hybrid Afro-Leninist equivalent (black power). Social democracy can do that, and try to avoid the Brazilianization of South Africa; but perhaps not enough, or not fast enough, for some.

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Mumbo-jumbo aside, whites not only have no prior claim to group rights in principle, but have no vital need for them in practice. Instead of pining and whining for group rights, whites can be thankful the ANC is not a revolutionary socialist movement. If it were, then they would really have something to worry about. They might get both no rights and no privilege. But a social democratic model offers them both. Reduced privilege, yes. But trees and poverty? No. Status panic for some, especially on the margins, yes, which means some swastikas, instability, infantile rage. But for the average white, what other revolutionary situation would offer as good a deal? So the ANC is not taken in by the group rights bluff, as dressed up in the mystifying jargon of fancy theories, which serve various stalling fantasies of giving up power without giving up power, of "power sharing" rather than plain old democracy, and which are based on the surrealistic logic that the terms of liberation are to be defined by the oppressor.

But if the ANC does have good reasons for this stand, these should not prevent some open-ended thinking about the E word: about ethnicity in the post-apartheid state. Is "assimilation" the only thing critics of consociationalism have to offer? If so, they'd better start having some of those conversations, with Mohawks and Quebeckers. Legacy does not settle it. After all, if the Auschwitz legacy didn't lead the Jews to suppress ethnicity in the name of universalism, on the grounds of having been victimized in terms of ethnicity, it is not clear why the apartheid legacy axiomatically means that: why it means the rather stark binary logic, apparent in Taylor's critique, of "apartheid vs. assimilation." Only in South Africa could that hitherto discredited notion, that old jalopy of an idea — assimilation — make such a comeback. But it is understandable, in the form of ANC universalism. And a useful reminder, perhaps, of hitherto underestimated progressive dimensions of "de-pluralizing" assimilation: universalism as an antidote to the murderous forces and Balkan rages so easily unleashed by ethnocentrism. Indeed, Israel itself could use a big dose of ANC universalism.

But open-ended thinking means going beyond such "de-pluralizing" logic. Sociologically, it means acknowledging ethnicity as a social force, in a non-reductionist way, that nevertheless does recognize its situational dynamics, yet that does not end up falling into the old false consciousness trap. Because that trap is exactly where the E word treatment leads. Try telling Quebeckers and Mohawks that they are merely dupes of "manipulated meanings" of reified cultural differences." Zulu meanings are not simply reducible to apartheid meanings. To imply they are is to fall into that common Marxist trap. And to get out of it,

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forget Marx; you'll need a hand from people who actually realize the complexity of meaning, identity and culture in social life.[1] Politically,

1. In this connection, since Taylor refers to some of my work *(Class, Race and Gold)*, I might note that I called for such open-ended thinking some time ago. For example in a public lecture at Witwatersrand University in 1978, after reviewing some impressive features of the new class analysis of South Africa, I went on at some length "to sound a note of caution, lest some adherents of this school, heady with its strengths, become blind in new ways," especially to "cultural, ideological and psychological factors," and concluded by warning of the dangers of "neanderthal Marxism." (Frederick Johnstone, "The Labor History of the Witwatersrand in the Context of South African Studies, and with Reflections on the New School," *Social Dynamics* Vol. 4, No. 2, (1978), pp. 101-108). And in a public lecture at Yale University in 1979, after likewise noting these strengths, I argued in favor of "epistemological and paradigmatic pluralism" and called for "the forging of some new overall general account of South Africa which does do full justice to the new work, but which also simultaneously incorporates worthwhile elements of other approaches . . . especially their sensitivity to the cultural and subjective dimensions of social life, and to actors' choices in real and complex historical situations." (Frederick Johnstone, "Most Painful to Our Hearts: South Africa Through the Eyes of the New School," *Canadian Journal of African Studies*, Vol. 16, No. 1 (1982), pp. 5-26).

It is not a question of ditching class analysis but of doing something bigger and broader. On this issue, Taylor's overall position seems rather circular: he starts off saying the revisionist school is as reductionist as the liberal school and that we should look more at ethnicity, but then he concludes that apartheid ethnicity was just a "social construct" around a "real" agenda of things like "cheap labor," which seems to leave us back where we started, not surprisingly, because the cheap labor thesis is made of sturdier stuff than is implied by some critiques. But this does not prevent Taylor from making a cogent critique of consociationalism, which is similar in some interesting ways to earlier critique (e.g. in *Class, Race and Gold*) of Smith's "social and cultural pluralism" theory.

I explore human rights issues more fully in my current work on Apartheid and the Gulag (e.g., "Apartheid and Gulag: Racial Bracketing, Double Standards and Human Rights"). This is about Marxist double standards on human rights. It draws parallels between colonial and communist domination, and between anti-colonial and anti-communist liberation, through a metaphorical critique of the Leninist state (unfreedom for all) in terms of the apartheid state (unfreedom for blacks). And in doing so, it raises questions about the "not-seeing" of such things, about the politics of human rights, about what gets seen and what does not get seen; about the politics of visibility; about racial bracketing, double standards, double vision; about disappearing dictators, disappearing pass systems, disappearing labor systems, disappearing domination, disappearing death; about anti-apartheid as an international motherhood issue, as dictatorships of various kinds all sign the solemn resolutions against apartheid; about genocide conventions being signed while the enemies of the people are killed off; about dead Jews and dead enemies of the people; about Auschwitz and Apartheid, and Cambodia and gulag; about Nuremberg Trials and Moscow Trials; about crimes against humanity and crimes in the name of humanity; about executing the executioners and executioners executing; about racist death and rationalist death; about the death of reason and the Reason of death; about unfreedom for blacks and unfreedom for all; about Leninist logic as double think (it is OK to stick it to everyone but not just to blacks or Jews); about ascriptive death, that is bad, and universalistic death, that is OK; about unfreedom for some, that is discrimination, and unfreedom for all, that is not; about domination for some, that is a human rights problem, and domination for all, that is not; about liberation for blacks, in Soweto, that

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such thinking means acknowledging some critique of the unitary state: of the hegemonic universalism of individual rights, the "tyranny of the majority," and so on. And there is nothing mysterious or esoteric about such critique. It can be found in federal systems all over the world, from Switzerland to Canada. Because that is what federalism is all about.

Federalism is not a magic answer to anything. But it is a meaningful compromise about individual rights and collective realities. How good it is depends on all kinds of things. But the reason it exists is because there are problems with the unitary state. Groups and regions have identities and interests which are not reducible to individuals. Quebec knows that. Tibet knows that. Lithuania knows that. Newfoundland knows that. Mohawks know that. The Canton of Uri knows that. But the unitary state does not want to know that. And that is the paradox of reductionist anti-ethnicity. That is the quantum mechanics of ethnophysics: if E equals the E word, it is because one only exists as an individual, and that is all politics need be about.

That is the difference, for example, between Quebec and Scotland. Marginalized Scotland is the victim of a unitary state, in which North Sea oil might as well have been discovered on Mars and in which the Scots have about as many cultural rights as Martians. But federalism has given Quebec many autonomous powers as a Canadian province, which have helped it develop as a distinct society while retaining the larger benefits of Canada. Quebec nationalists dismiss even this as insufficient, but that is because they want a sovereign state, and while federalism can provide ethnic things, it cannot provide an ethnic state. That is the compromise: it has a place for tribalism but is not tribalism. But that does not mean it goes to the other extreme, of the consociational model. In its Western forms, it favors individual rights. It is not an ethnic model, it does not equate the collective with the ethnic, it does not privilege the ethnic as primordial fact, and it deals with group rights

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is good, that is "anti-colonial," and liberation for all, in Peking, that is bad, that is "counter-revolutionary runnings dogs"; about death by enemies, that you see, and death by friends, that you do not; about fighting the enemy you know, the monster in the woods, and getting a knife in the back from your friends, around the camp fire, that kept you warm, that you trusted, the good old camp fire of Reason, of Progress. The fascists get you in Auschwitz, but what happens in Kolyma ? The fascists execute Lorca (front page news in the anti-monster wars), but what happens to Lu Nin ? The racists execute Biko, but what happens in Quadro? First correct answers win franchise rights to Surplus Lenin Busts. But winners must first answer three skill-testing questions in five seconds flat: who was dictator of Bulgaria for 35 years?; what is an internal passport?; and what happened in Novocherkask ? Unlucky contestants who fail this test may win the consolation prize (*The Peoples' History of Albania*, in 10 volumes) by correctly answering the non-skill question: What happened in Sharpeville?

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indirectly rather than directly, through mechanisms such as provincial jurisdiction, through which majorities, exercising individual rights, pursue collective goals.

Of course, whether such goals of collective self-determination mean federalism or separatism depends on the situation. That is the difference, for example, between Quebec and Lithuania. If one is part of a social disaster such as the Soviet Union, it makes sense to bail out. If one is not, maybe not. It is not an issue of abstract rights but of situational preferences; of "be careful about what you want, because you might get it," as the old saying goes. If Quebec nationalists keep fudging around with best-of-both-worlds fantasies like "sovereignty-association," it is because many Quebeckers are reluctant to jump unconditionally off the Canadian ship, which as ships go is not such a bad ship. But whether they jump or not, the fact is that Quebeckers and Mohawks, let alone Lithuanians and Tibetans and many others, are talking a very communalist language these days, about groups and sovereignty and so on, which simply does not fit the sub-ethnic particles of quantum mechanics, and which is not unknown among Zulus and Afrikaners. This leads to unexpected explosions which the unknown Canadian army has to clean up.

In conclusion, the ANC has nothing to apologize for in its hard-line stand against group rights now, for reasons Taylor well shows. Its non-racial universalism is a remarkably progressive reaction to the divisive legacy of apartheid. But, on the other hand, this very commitment to open democracy implies self-determination opportunities for groups and not just individuals, because that is what social life is made of: groups and regions and not just sub-atomic particles. To what extent such collectivities will or should be accommodated in any new rules of the game (for example, just what kind of state to have) is ultimately for the majority to decide. Such decisions would benefit from some open-ended thinking about the "E word": about cultural meaning and social identity, and about ethnic and regional participation in political systems. And, indeed, the choices the people end up making may not be fully understandable without such thinking. But the basic rules of the game, democratic rights for all, can't be made conditional on prior claims to white rights. The apartheid state has to end first. Anything else is Alice in Wonderland: the Czar asking for Czarist rights. Blacks must get justice now, and whites can solve their identity problems later. Whites do not have the luxury of a group rights choice. If they end up even with the same individual rights as others, let alone the high life as well, let alone some possibilities for collective action, they can count themselves lucky. In other places, in other times, they would be hanging from the trees.

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Vaclav Havel's Heideggerianism

Aviezer Tucker

The philosophy of Czechoslovakia's President, Vaclav Havel has received little attention in the West. Most people assume that "the enemy of our (former) enemies must be like us," i.e., that Havel must be a sort of Western-style liberal-democrat. When Havel addressed a joint session of Congress in Washington and quoted Hegel's claim to the effect that "consciousness precedes being" (with a Heideggerian anti-modernist twist), few if any of the cheering delegates had the faintest idea concerning what they were applauding. In a sardonic editorial the following day, *The Washington Post* traced Havel's ideas to Hegel and ridiculed the members of Congress for their lack of philosophical education. But it did not question the more important Heideggerian meanings of Havel's speech.[1] Havel explained this dictum by saying, "We are still under the sway of the destructive and vain belief that man is the pinnacle of creation, and not just a part of it, and that therefore everything is permitted. . . . From time to time we say that the anonymous megamachinery we have created for ourselves no longer serves us, but rather enslaves us, yet we still fail to do anything about it. . . . We are still incapable of understanding that the only backbone of all our actions — if they are to be moral — is responsibility. Responsibility to something higher than my family, my country, my company, my success. Responsibility to the order of being, where all our actions are indelibly recorded and where, and only where, they will be properly judged. The interpreter or mediator between us and this higher authority is what is traditionally referred to as human consciousness."[2]

1. "Let's Hear it for Hegel," *The Washington Post* (February 23, 1990), p. A23.
2. Vaclav Havel, "Help the Soviet Union on its Road to Democracy, Consciousness Precedes Being, Delivered to the Joint Session of Congress February 21, 1990," *Vital Speeches of the Day* (March 15, 1990), p. 330.

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Although Havel describes himself as "a philosophically-inclined literary man" with a not altogether coherent philosophical education,[3] he has developed a philosophy continuous with his statements. This philosophy can be best analyzed by examining his essays on "The Power of the Powerless" [POP], "Politics and Conscience" [PAC], *Disturbing the Peace* [DIS] and the philosophical *Letters to Olga*, written from prison.

The most significant influences on Havel's philosophy are those of Jan Patocka and Martin Heidegger. Patocka (1907-1977), who died following a police interrogation, was Havel's co-organizer of Charter 77 and the most influential figure in post-WWII Czechoslovak philosophy.[4] His thinking combines the enlightened rationality of his teacher, Edmund Husserl, with the romanticism of Heidegger, his fellow student at Freiburg.[5] Havel's own thought, however, tends toward the Heideggerian pole of Patocka's philosophy, partially because Havel was also influenced, after Patocka's death, by the philosophy of another student of Patocka, the exiled Vaclau Belohradsky, whose thinking is more Heideggerian than that of his master. Under this influence,[6] Havel concluded that the most essential matter is: "the crisis of contemporary technological society as a whole, the crisis that Heidegger describes as the inaptitude of humanity face to face with the planetary power of technology. Technology — that child of modern science, which in turn is a child of modern metaphysics — is out of humanity's control, has ceased to serve us, has enslaved us and compelled us to participate in the preparation of our own destruction. And humanity can find no way out: we have no idea and no faith, and even less do we have a political conception to help us bring things back under human control. We look on helplessly as that coldly functioning machine we have created inevitably engulfs us, tearing us away from our natural affiliations . . . just as it removes us from the experience of 'being' and casts us into the world of 'existences'."[7]

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3. Vaclav Havel, *Disturbing the Peace, A Conversation with Karel Hvizdala*, trans. by Paul Wilson, (New York: Knopf, 1990) pp. 8-10, 166, 202. An identical argument is in his letter 62 to Olga: Vaclav Havel, *Letters to Olga* (New York: Knopf, 1988).

4. Jaromir Danek, "Czechoslovakia," in *Handbook Of World Philosophy: Contemporary Developments Since 1945*, ed. by John R. Burr, (Westport CT: Greenwood Press, 1980), pp. 261-272; Erazim Kohak, *Jan Patocka: Philosophy and Selected Writings* (Chicago: University of Chicago Press, 1989).

5. Kohak, *op. cit.*, pp. xi-xiv.

6. On the connection between Heidegger's reactionary-modernist politics and his philosophy see Michael E. Zimmerman: *Heidegger's Confrontation with Modernity: Technology, Politics, and Art* (Bloomington, IN: University of Indiana Press, 1990).

7. Vaclav Havel, "The Power of the Powerless," trans. by Paul Wilson, *Vaclav Havel or Living In Truth*, ed. Jan Vladislav (London: Erasmus Foundation, 1986), p. 114.

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Havel's views and politics cannot be located on the Western political continuum ranging from conservative to liberal. He opposes multi-party parliamentary democracy as much as totalitarian communism. From his very first philosophical work, the 1975 open letter to Gustav Husak, he saw himself confronted with a general crisis of identity in technological civilization.[8] Following Heidegger and Patocka, he sees modern metaphysics, science and, above all, technology as rooted in the basic existential problem of humanity. The real problems are not any particular contemporary political regimes, but technology and modernity. Havel contraposes modern metaphysics, technology, science and rationalism to an idealized "authentic" romantic past, when things were under control and human existence was genuine and in accordance with 'being' and nature. He would like to reverse Ortega Y Gasset's "revolt of the masses" and restore a *de facto* idealized Middle Ages. The tragedy of Czechoslovakia and the rest of humanity is traced back to Machiavelli and Galileo, i.e., to rationalism in politics and science.[9]

His 1978 essay, "The Power of the Powerless," begins in the same way as his 1990 new year's presidential address to the Czechoslovak nation,[10] with Heidegger's discussion of "everydayness" in *Being and Time* as applicable to everyday life in communist Czechoslovakia. Accordingly, no Czechoslovak was a mere victim of the totalitarian system, because every one contributed to its creation. Everyone is morally responsible for the totalitarian system because everyone cooperated with and belonged to it, while also suffering from it. All Czechoslovaks are perpetrators and victims because in a totalitarian system no one assumes responsibility. The moral conclusion is that no one can be singled out for blame (including the heads of the previous totalitarian regime in Czechoslovakia who will not be prosecuted). Yet all are obliged to search their own souls and confront those aspects of their personalities that led them to cooperate with a system that victimized them and forced them to "live in a lie," to deny authentic moral identity. The solution to this crisis of irresponsibility consists in all citizens assuming responsibility for their own actions.

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8. Vaclav Havel, "Letter to Dr. Gustav Husak," in *Vaclav Havel or Living in Truth*, *op. cit.*, p. 15.

9. Vaclav Havel, "Politics and Conscience," trans. by Erazim Kohak and R. Scruton, in *Vaclav Havel or Living In Truth*, *op. cit.*, p. 143.

10. "The Great Moral Stake of the Moment," *Newsweek* (January 15, 1990), p. 42. Oblivious to Havel's repetition of his application of Heidegger's 1927 ideas from "The Power of the Powerless," *Newsweek* introduced Havel's speech as follows: "Perhaps not since Abraham Lincoln's Second Inaugural has a head of state delivered a speech as searching as Vaclav Havel's New Year's Day address to Czechoslovakia."

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In his analysis of "everydayness," "publicity" and "they" in *Being and Time*, Heidegger analyzes modern society in identical terms. When encountering "the other," Havel's authentic self is alienated as "they." Since, however, this process obtains for everyone, everyone is also alienated from Being to become "the other," while being simultaneously the alienating "other." The outcome is the loss of the moral dimension through a loss of responsibility. If "the one" is "the other," "the self" is the "they," and everyone is alienated and alienating at the same time, there is no personal responsibility. For Havel, this is the problem with all mass societies.

According to Havel, there is something in human beings that creates, tolerates, reflects, and accommodates an inauthentic alienating system (POP, pp. 53-54). For Heidegger, the social side of man leads him to listen to the idle talk of "they." Heidegger's term for this feature of being-with-one-another is "fallenness." In other words, fallenness and Havel's crisis of inauthenticity are not thrust on humanity from without, but correspond to an aspect of humanity which wishes to conceal its authenticity or, in Havel's terms, live in a lie.[11] Thus he sees communist ideology as "an hypnotic charm" (POP, p. 39) corresponding to this will to live inauthentically within a lie. With the help of this ideology, post-totalitarian systems (Havel's name for post-Stalin communist Eastern Europe) attempt to bridge the yawning gap between the "aims of life" and the "aims of the system."

Havel's alternative to living in a lie is "living in truth." This concept is taken from Patocka, who saw it as the essence of philosophy: a response to the call for responsible thought and for rationality according to our intuitions of the world.[12] Science and technology, separated from their original *telos*, create the crisis of modernity, as described in Husserl's "The Crisis of European Sciences and Transcendental Phenomenology."[13] Patocka described "living in truth" also as connected with the third of the three "movements" of being human which correspond to

11. Martin Heidegger, *Being and Time* (BT), trans. by John Macquirrie and Edward Robinson (New York: Harper & Row, 1962), pp. 175-180 / 219-224. The first pagination is of the standard German edition, the second of the English edition.

12. Erazim Kohak, "To Live in Truth: Reflections on the Moral Sense of Masaryk's Humanism," in *T. G. Masaryk in Perspective*, ed. by Nilic Capek and Karel Hruby (SVU Press, 1981) pp. 37-61.

13. Jan Patocka, "Edmund Husserl's Philosophy of the Crisis of the Sciences and his Conception of a Phenomenology of the 'Life-World'," and "The Dangers of Technology in Science according to E. Husserl and the Essence of Technology as Danger according to M. Heidegger" (Varna Lecture 1973), in Erazim Kohak, *Jan Patocka: Philosophy and Selected Writings* (Chicago: University of Chicago Press), pp. 223-238 and 327-339.

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Aristotle's three souls: the vegetative, the animal and the rational. The third, distinctly human, movement, being in truth, starts with freedom: the free bestowal of unselfish meaning — life in truth — guided by the idea of caring for the soul.[14]

Havel distinguishes four components of "living in truth": An existential dimension — the free expression of humanity's being; a noetic element revealing reality; a moral dimension — living according to absolute and authentic moral values; and a political dimension. He hoped that an existential revolution on the first level would also lead to revolutions on other levels leading finally to a political revolution in communist Czechoslovakia. Like Heidegger, in his address to the joint session of Congress Havel assigns the role of returning humanity to its authentic self to conscience. Humanity has a potentiality for Being but, after losing itself, it has to be shown its possible authenticity. This is done by "the call of conscience," the return to the true self. Unlike Havel, however, for Heidegger conscience has no moral implication.[15]

Havel longs for a return to an authentic rooted existence, to the natural order of things. He misses the rootedness of the peasant or the boy in "the natural world." Children, peasants and medieval humanity were not yet alienated from their personal experiences and the natural order of things in the world (PAC, pp. 136-137). The modern age, in a fit of *hubris*, seeks to transcend the boundaries of the natural world of experiences, but pays a price for this act of pride. The historical representation of the natural rootedness of man in the order of things is the family farm (*Grunt* in Czech, which is derived from the German *Grund* — ground, foundation or groundness). The family farm was rooted in nature and was economically and ecologically sound. With the appearance of modern agrobusiness, the agronomist and the bureaucrat brought calamities in the name of science and rationality (PAC, p. 139).[16]

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14. Patocka's final articulation of his three movements conception of human being is in his last book: Jan Patocka, *Essais Heretiques sur la Philosophie de l'Histoire*, trans. by Erika Abrams (Lagrasse: Verdier, 1981).

15. BT, *op. cit.*, Part two II-III.

16. Rootedness was also important to Heidegger, who, in his famous last interview to *Der Spiegel*, expressed his horror of seeing the pictures of planet Earth from the moon: "We do not need atomic bombs at all [to uproot us] — the uprooting of man is already here. . . . It is no longer upon an earth that man lives today." See Martin Heidegger, "Only God Can Save Us" (The *Spiegel* Interview [1966]), trans. by William J. Richardson, in *Heidegger: The Man And The Thinker*, ed. by Thomas Sheehan (Chicago: Precedent, 1981), pp. 208/56. The dualism of heaven and earth, Gods and men dominates the later Heidegger's philosophy as well as Havel's ideal child-peasant. Patocka was also bothered by the inauthentic uprooted existence of modern man. Using the symbolism of the

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Compare Havel's rootedness with its opposite, "rootlessness" as articulated by Steiner: "Trees have roots; men and women legs. The possibilities which this opens seems to me particularly pertinent to the Jewish condition, which is to learn new tongues, to cross frontiers, to contribute, wherever he is given breathing place, to the life of the mind, to that of moral argument. All of us are now imperilled guests on this scarred, exploited planet. Nationalism, the tribalism of rabid ideologies will do us to collective death if we do not learn to live as one another's guests. The learning process is arduous; within it, the harried but immensely creative intellect and spirit of the Jew has its privileged function. The Messianic vision was, precisely, that which strove to overcome the homicidal tribalism which inhabits man. Having to be peregrine on this earth, the Jew developed that inward restlessness, those antennae for danger to which he owes his survival. For the Jew the nation state is not a fulfillment but a death trap."[17] Steiner describes Judaism as the vanguard of modernism, but at different times and places he could have spoken just as well about Cosmopolitanism, Free-Masonism, Trotskyism, and the overall spirit of capitalism. Tree-people with roots feel threatened by leg-people, peasant mentality by urbane mentality, reactionary thinking by modernism.

Views similar to Havel's are articulated by Solzhenitsyn, who sees the weakness of the West rooted in the world-view of the Renaissance and of the Enlightenment. He calls the Western world-view "rationalistic humanistic," "humanistic autonomy" or "anthropomorphism." Western thought worships man and his material needs: "It has made man the measure of all things on earth — imperfect man, who is never free of pride, self-interest, envy, vanity, and dozens of other defects. . . . On the way from the Renaissance to our days we have enriched our experience, but we have lost the concept of a Supreme Complete Entity which used to restrain our passions and our irresponsibility."[18] Havel echoes this

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romantic Czech poet, K.H. Macha, Patocka sets the contours of authentic rooted being between "earth" and "sky," between our roots and the horizon of possibilities. He bemoans the loss of this authentic dimension in which the natural order of things has been destroyed. Authentic existence is assuming responsibility for this order of being and caring for it, for our freedom. Patocka started developing these ideas in his *Le Monde Natural Comme Probleme Philosophique*, trans. by J. Danek *et al* (The Hague: Martinus Nijhoff, 1976), still under the influence of Husserl's authentic life-world, up to his full development of his three movements of being in his *Essais Heretiques*. The development of his ideas, especially his "a-subjective" alternative to Husserl's impersonal subjectivity can be traced in Kohak, *op. cit.*, pp. 207-326.

17. George Steiner, "Why a Jew Can Only Grieve," op-ed, *The Times of London* (May 14 1988).

18. Alexandr I. Solzhenitsyn, *A World Split Apart: Commencement Address Delivered. At Harvard University, June 8 1978*, trans. by Irina Ilovayskaya Alberti (New York: Harper &

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attitude toward science and rationality in claiming that objectifying science killed the natural world and God. Science and rationalism "leave behind, deny, degrade, defame, and colonize the natural world" (PAC, p. 138). For him, the greatest illusion of modernity is objectivity, which led humanity to a rational understanding of the cosmos and to the concept of historical necessity.

Like Solzhenitsyn, Havel accepts Marxism's claim of "scientific socialism" and draws the conclusion that since scientific socialism fails, the problem lies with science, rationality, and technology. The alternative conclusion, that Marxism has little to do with the scientific method it tried to use as a fig leaf is not considered. Havel regards the great communist experiment in creating a scientific utopia by sacrificing millions "for the future welfare of billions" as the apex of Western scientific-technological civilization (PAC, p. 142).

Similarly, Solzhenitsyn ties humanism and rationalism with Marxism: "As humanism in its development was becoming more and more materialistic, it also increasingly allowed its concepts to be used first by socialism and then by communism. So that Karl Marx was able to say, in 1844, that 'communism is naturalized humanism.' Reasonable, boundless materialism, freedom from religion and religious responsibility; concentration on social structures with an allegedly scientific approach; it is no accident that all communism's rhetorical vows revolve around Man."[19] Havel also traces the inception of the spirit of scientific rationalism in science to Galileo, and in politics to Machiavelli (PAC, pp. 143). For Solzhenitsyn and Havel, the Renaissance and the Enlightenment are the watershed. Havel longs for the pre-technological Middle Ages, for primordial simplicity and a sense of an absolute which "grounds, defines, animates and directs" the world of nature (PAC, p. 137). Following the occult philosopher Agripa von Netheshein, he contemplates the loss of mystery as a result of Cartesian objectivism: " 'order' in the dark region of our being was buried along with it. And what modern reason has attempted to substitute for this order has consistently proved disastrous, because it is always in some way artificial and lacking in both ontology and morality."[20] Part of Havel's yearning for the Middle Ages is their religiosity. The nearly agnostic Havel decries the fact that we are living in the first atheistic civilization, and blames it on the "arrogant anthropomorphism of modern man" (DIS 11). He is heartened by the religious

Row, 1978), p. 59.

19. *Ibid.*, pp. 53-55.

20. Vaclav Havel, "Thriller," in *Vaclav Havel or Living In Truth*, *op. cit.*, p. 160.

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awakening in communist Czechoslovakia, which expressed itself in the mass Catholic rally at Velehrad.[21] He sees this as a reaction against "socialist consumer society" and "spiritual and intellectual vacuity," in favor of something further and higher. Against Belohradsky's "eschatology of the impersonal," this religious awakening posited Christian eschatology (DIS, pp. 184-185).

The loss of the absolutist dimension of nature leads to a human disregard of the natural order of things: it is "an expression of hubris for which humans must pay a heavy price, as did Don Juan and Faust" (PAC, p. 138). For Havel, the problem of technology is not merely a matter of the side effects of technological developments such as air pollution or the greenhouse effect: the problem is technology itself. His attitude toward technology and his reference to Faust echo Spengler's views. Western science is subservient to technology and its Prometheus-idea, the perpetuum mobile, used to achieve power.[22] According to Spengler, at the last stage of the development of technology it ceases to serve humanity, and becomes its tyrant. Although modern technology thrusts itself upon nature to become its master, there is always the Faustian wager of technological promise of power for ultimate domination. "Faustian man has become the slave of his creation. His number, and the arrangement of his life as he lives it, have been driven by the machine on to a path where there is no standing still and no turning back. The machine casts its devilish power and enslaves the entrepreneur, the engineer, and the factory worker."[23]

This demonization of technology is also found in Havel's writings. When he describes his aesthetic revulsion as a child at the sight of an industrial factory he adds: "If a medieval man were to see something like that suddenly on the horizon . . . he would probably think it the work of the Devil and would fall on his knees and pray that he and his kin be saved" (PAC, p. 136). His reaction to technology is not much different from that of his imaginary medieval man. For him, science and technology are sins of arrogance: man trying to play God. Although science increases productivity and reduces drudgery, men "must pay for the attempt to seize nature . . . to ridicule its mystery; they must pay for the attempt to abolish God and to play at being God" (PAC, p. 141). He

21. On this surprising Catholic mass rally, see Paul Wilson, "Religious Movement in Czechoslovakia," in *Cross Currents: A Yearbook of Central European Culture*, Vol. 7, (1988), pp. 109-120.

22. Oswald Spengler, *The Decline Of The West*, trans. Charles Francis Atkinson (New York: Knopf, 1932), Vol. II, pp. 300-301.

23. *Ibid*, Vol. II, p. 504.

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describes the scientific rationalization of agrarian production and the enlargement of production units as "an arrogant megalomaniac and brutal invasion by impersonally objective science . . ." (PAC, p. 140). Clearly, behind Havel's attitude lies the forced collectivization of agriculture in Czechoslovakia and in the former Soviet bloc in general. However, he accepts the communist claim that their policies were "scientific," and then generalizes the atrocities perpetrated by totalitarianism in the name of science to all large productive units.

As Zimmerman points out, in his 1935 and 1953 lectures Heidegger saw "Americanism" and "communism" in identical terms: "Bolshevism is only a variety of Americanism. The latter is the genuinely dangerous form of the measureless, because it arises in the form of bourgeois democracy and mixed with Christianity, and all of this in an atmosphere of decisive-history-lessness.[24] For Heidegger, modern technology no longer serves humanity, but enslaves it. It has its own autonomous development, independent of humanity's influence, and it has become completely self-serving. Technology controls man, whether in Marxist or capitalist society.[25] In the last interview in *Der Spiegel* Heidegger puts it succinctly: After claiming that "the role of philosophy in the past has been taken over today by the sciences . . . psychology, logic, political science," *Spiegel* asks: "And what now takes the place of philosophy?" Heidegger answers in one word: "Cybernetics."[26] Havel describes modern technology in similar terms: "Technology — that child of modern science, which in turn is a child of modern metaphysics — is out of humanity's control, has ceased to serve us, has enslaved us and compelled us to participate in the preparation of our own destruction" (POP, p. 114). The automatism and autonomy of the technological age extends from machines to relations between social-bureaucratic systems and humanity. The modern state is a cybernetic entity, governed by anonymous, faceless bureaucrats who rule a multitude of atomized and alienated individuals living an inauthentic existence. However, the nameless, depersonalized bureaucrats are not controlling the system to whose survival they contribute because the system has acquired a "self-momentum" (DIS, p. 166). Havel romanticizes a past when rulers were idiosyncratic persons rather than anonymous *apparatchiki*. He conceives the totalitarian system as a convex mirror reflection of modern civilization.

24. Zimmerman, *op. cit*, pp. 90 and 41-42.

25. Martin Heidegger, "The Question Concerning Technology," in *The Question Concerning Technology*, trans. by William Lovitt (New York: Harper & Row, 1977).

26. Heidegger, "Only God Can Save Us," *op. cit.*, p. 59.

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Thus he warns the West to begin to understand itself through its reflection in the communist world (PAC, pp. 141-146). Havel's objection to Czechoslovak totalitarianism is merely an aspect of his broader objection to modernism, technology, and rationalism.

Here the question arises as to what extent was the difference between the two sides of the Iron Curtain one of degrees rather than kind. For Havel, the culprit for the overall moral disintegration of modern civilization is consumerism, which tempts modern humanity to choose material goods over moral values. This materialism obtains on both sides of the Iron Curtain. The crisis of the modern technological world is even more acute in the Western world, since it is better hidden than in the East, through manipulation by professionally-run political parties, secret and sophisticated methods of capital accumulation, consumption production, and advertisement. Western methods of manipulation are far more subtle and refined, and therefore more dangerous, than their counterparts in the East. Ironically, Havel mentions the information revolution, "all that flood of information" (POP, p. 116) as another way to manipulate citizens of parliamentary democracies. Following Solzhenitsyn's 1978 Harvard lecture, Havel denounces the lack of moral responsibility in Western societies which results in a failure to remedy the ills of technology, consumerism and mass culture.

Havel agrees with Solzhenitsyn also on the morally adverse effects of rationalism on humanity's awareness of evil. Solzhenitsyn claims that humanism did not recognize the existence of evil in the world, and therefore allowed it to operate unnoticed and unchallenged.[27] Havel echoes this in his analysis of human nature: "It seems to me that man has what we call a human heart, but that he also has something of the baboon. The modern age treats the heart as a pump and denies the presence of the baboon within us. And so again and again, this officially nonexistant baboon, unobserved, goes on the rampage."[28] Against the twin evils of moral irresponsibility and unawareness of evil, Havel's contraposes his ethics derived directly from the principles of Charta 77 (written primarily by Patocka). One Charta 77 document opens with an analysis of the moral crisis of modern societies, arising out of the inability of technology to generate morality. The suggested solution is the postulation of absolute ethical principles. Humanity did not invent morality, which defines what is a human being. Modern society, it is suggested, requires

27. Solzhenitsyn, *op. cit*, p. 51.
28. Havel, "Thriller," *op. cit.*, pp. 162-3.

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an absolute moral foundation valid for everyone at all times, unconditional and independent of any circumstances: a non-technological ethics. The sacred, transcendental and absolute moral principles are human rights.[29]

For Havel, to perceive moral principles as human products entails a productivist metaphysics and the despised humanist anthropomorphism. His moral principles must be absolute because otherwise they would have to be relative to something — usually to human variables. He contrasts this transcendental and absolute ethics with utilitarianism. The background of this anti-utilitarian position is the experiences of Czech dissidents. One can almost hear the interrogators claiming that the dissident's moral acts will not have any consequence, will bring no happiness and are therefore morally unnecessary, or trying to impute to Havel personal reasons for dissenting: "to increase his publicity and the sales figures of his plays in the West." Believing in an absolute non-utilitarian morality may have helped Havel counter such charges. Also, he did not embrace a *via media* between capitalism and communism, since social democracy is philosophically state utilitarianism based on consumerism.[30]

In practical terms, Havel repeatedly reiterates what he considers the aims of life or authentic values: they are the wish for dignity, free expression and a sense of transcendence over the world of existence (POP, p. 54). They might be the will to live one's life in dignity, or express individual, group or spiritual interests (POP, p. 65). The aims of life are also to

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29. "Two Charta 77 Texts — The Obligation to Resist Injustice," in Kohak, *op. cit.*, pp. 340-341. Patocka in his *Platone et l'Europe*, trans. by Erika Abrams (Lagrasse: Verdier, 1983), suggested that the a subjective structure of being as represented in ancient myth entails a knowledge of transcendental good and evil.

30. Havel and Patocka's ethics clash with Heidegger's philosophy. As Zimmerman points out, *op. cit.*, pp. 130-131, in his "Letter on Humanism" Heidegger follows Nietzsche's "Beyond Good and Evil" in seeing ethics as a branch of metaphysics (and for Heidegger metaphysics is a derogatory term) — a product of the modern nihilistic age. Havel rejects this position. Unlike Nietzsche and Heidegger, he is a moral man, both in theory and in practice. Also unlike Nietzsche and Heidegger, Havel does not deny the Judeo-Christian moral tradition, based on transcendental (divine) absolute laws, nor does he part ways with Western civilization. The difference between Havel's morality and Heidegger's lack thereof can be seen even more clearly in Havel's absolute values. For Heidegger, following Nietzsche, values are means of deploying power, whether they are in the form of a Christian, humanistic, Enlightenment, bourgeois, or socialist morality. Hence all values are relative. Heidegger traced the invention of values to the development of the anthropomorphist-subjective self-concept of humanity. See Martin Heidegger, "The Word of Nietzsche: 'God is Dead'," in *The Question Concerning Technology*, trans. by William Lovitt (New York: Harper & Row, 1977), pp. 219/82-228/92. For Havel and Patocka, values are transcendental and absolute.

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live in harmony with one's self, avoid humiliation, the right to privacy, freedom of expression, and legal security (POP, pp. 69-70). In a nutshell, Havel's values are a return to responsibility, i.e., what gives meaning to justice, honor, treason, friendship, infidelity, and courage as the hidden source of all rules, customs, prohibitions and norms within us (PAC, p. 137). His values are similar to Solzhenitsyn's: Christian mercy and sacrifice, responsibility to God and society.[31]

Havel's conclusion is that the West, like the East, needs an existential moral revolution. For East European countries, democracy could at best be a transition between totalitarianism and the existential revolution — a restoration of an authentic relation of the "human order" and to values such as "trust, openness, responsibility, solidarity and love" (POP, p. 118).

Havel's philosophy exhibits most of the characteristics of reactionary consciousness: "It draws upon the past, but it does not trace a progressive continuum down the centuries toward a desired state or present being. Rather it evokes the lost characteristics of human experience, which are collectivist, ritualistic, and primal. . . . Reactionary consciousness is a state of awareness that is in rebellion against the loss of community, the loss of identity, and the loss of a sense of transcendence. Reactionary consciousness rebels against loneliness and anomie, against rationalism and materialism, and against the articles of human progress and technology."[32] It is important, however, to differentiate his reactionary outlook from more virulent versions. Havel is a moral man who respects human rights. His reactionary thought is free of any longing for authoritarian rule. Unlike most reactionaries, he is not a nationalist. He describes his Czechness as a given about which he can do nothing. His concerns are universal, existential, and moral (DIS, pp. 178-179). To the extent he refers to any regional distinctions, he speaks of spiritual, cultural and intellectual Central European scepticism — a product of the region's history, prevalent in the collective unconscious. He characterizes this Central European scepticism as "rather strange, a bit mysterious, a bit nostalgic, often tragic, and at times even heroic, occasionally somewhat incomprehensible in a heavy-handed way, in its caressing cruelty. . . ."[33] It is identical to 19th century European romanticism.

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31. Solzhenitsyn, *op. cit.*, p. 51.

32. Paul Monaco, *Modern European Culture and Consciousness, 1870-1980* (Albany, NY: SUNY Press, 1983) pp. 89-91.

33. Vaclav Havel, "An Anatomy of Reticence," in *Vaclav Havel or Living in Truth*, *op. cit.*, p. 175.

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Havel wants to bring about Heidegger's existential revolution: a new way of thinking, a new way of disclosing Being. Like Heidegger, he does not have a clue as to what this new world might look like. He claims he can only prepare our expectation for this new authentic post-technological world. The solution will not be technological, because technology cannot remedy itself, nor political, but existential, down to the very basic and most profound level of human consciousness (POP, pp. 114-115). Solzhenitsyn also anticipates such a turn in civilization: "a spiritual blaze . . . a new height of vision . . . the next anthropological stage."[34] He wishes to preserve the material advantages of modernism, while returning to medieval spirituality. Like Patocka, Solzhenitsyn predicts that East European nations will lead the way in this spiritual regeneration because they achieved greater spiritual development through suffering.[35]

Havel cites past solutions to the crisis of modernity, such as oriental thought or farming communities, but dismisses them because they are not universal. He sees the only hope in the ecological movement (POP, pp. 114-115). But he disapproves of the Green parties in Western Europe because they are not sufficiently radical. In 1978, he already saw the restoration of Western-style parliamentary democracy as merely an appropriate transitional solution to restore a sense of civic awareness, renew democratic discussion, allow political plurality, and the basic expression of the aims of life. But he also claims that clinging to tried and tested parliamentary democracy is "shortsighted" (POP, pp. 116-117). He wishes to go beyond it. He anticipates an existential revolution and a restoration of a relation between human beings and the "order of Being" — a claim he repeated in his address to the joint houses of Congress.

The political meaning of this "existential revolution" will be the restructuring of society. New social structures will be held together by a feeling of communality rather than by an expansionist mentality. The new structures can and must be "open, dynamic and small," so that their members will not lose sight of personal responsibility. The new structures "would be . . . not in the sense of organizations or institutions, but like a community" whose authority is not based on tradition or power but on their relevance for the solution of certain problems. Havel would like social organizations to appear and disappear spontaneously, according to the needs of the moment (POP, p. 118). The value underlying such organizations should be "mutual confidence," not the mistrust

34. Solzhenitsyn, *op. cit.*, pp. 58-61.
35. *Ibid.*, p. 33.

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of the "collective irresponsibility" characterizing the "classic impotence" of traditional democratic organizations (POP, pp. 117-119).

The most anathematized organization for Havel is the parliamentary political party. Instead of political parties, he prefers unaffiliated individuals as candidates. Parties should not participate directly in politics because they are bound to become bureaucratic, corrupt, and undemocratic. Instead of parties, he would have independent clubs or associations of free individuals for a specific cause, like the associations of dissidents (DIS, pp. 16-17). His objection to political parties has not changed since he became president. Cohen reports that Havel favors "nonpolitical politics." He wants citizens to vote directly for individual candidates." Petr Pithart, Civic Forum's chief political theoretician, disagrees and favors political parties. The national assembly is considering a complex compromise to combine the two views. These political views are echoed by what Jana Petrova, a Civic Forum member of the Federal Assembly, told Cohen: "When the West found out we overthrew the communists, they thought we'd embrace the American system. But we want neither communism, nor American capitalism, but a third way. Social justice, a market economy and the nonpolitical parties of Havel. When the West finally understands, it will be surprised and perhaps inspired by us."[36]

The question, however, is what will happen when, for Havel, parliamentary democracy will have fulfilled its function, and it is time to take the big leap forward. Like Marx, Havel leaves most of the details of the post-revolutionary future out of his analysis, since "the essence of such a 'post-democracy' is also that it can only develop *via facti*, as a process deriving directly from *life*, from a new atmosphere and a new 'spirit' " (POP, pp. 119-120). Since the creation of political parties is a universal phenomenon in free societies, it is reasonable to assume that such parties will spring up in Czechoslovakia as well. In such a situation Havel and his supporters will have to choose between discarding their vision of an existential revolution in politics or abolish the right of free association.

Perhaps, after becoming more familiar with Western-style parliamentary democracy, Havel and his followers will recognize that, although political parties are less than ideal, they do not exempt their leaders from personal responsibility as much as the Communist party protected its *apparatchiki*, especially in the presence of a free press and other checks and balances. Havel's objection to large impersonal organizations extends to economics. He opposes industrialization, centralization,

36. Stephen B. Cohen, "Czeching Murdoch," in *The Nation* (March 12, 1990), p. 333.

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specialization, monopolization, automatism and computerization, because they lack a human dimension, alienate and create depersonalization, and destroy meaning. For him, IBM is more dangerous than socialist state industry because it is more efficient. His ideal economy is a mix of small private businesses, especially in agriculture, cooperatives and shareholding ventures, collective ownership, and state ownership. (DIS, pp. 13-16). This later view is a retreat from a previous one which favored a self-management predicated on self-control and self-discipline (POP, p. 119). Cohen reports that the new government proceeds cautiously in the direction of a free market, supporting privatization, but seeking to avoid foreign take-overs of cheap Czechoslovak industry. Officials told Cohen that they wish to proceed toward a Swedish-type system combining free enterprise and social conscience. In Sweden, the worst aspects of a free economy are tempered by progressive taxation. But Sweden is a consumerist society whose social policies are based on a utilitarian ethics and distributive justice — all of which are anathema to Havel. To prevent the creation of a consumerist society and of large impersonal corporations, the Czechoslovak government will have to interfere directly in the market, and thus increase state power. In other words, it will have to increase an impersonal and irresponsible state bureaucracy, in order to prevent the creation of a private one. Further, to prevent the destruction of his favorite *grunt*, the Czech family farm, Havel will have to either subsidize these farms with public funds or deploy protectionism. The tendency so far has been in the direction of protectionism. Thus today the Czechoslovak government prevents foreign investment from buying its privatized industry and distributes instead "vouchers" to its citizens, giving them their share in the national industry.

Havel's claim that the totalitarian system in his country was supported by its victims is wrong. Like Vichy France, Czechoslovakia was an occupied nation. To be sure, most civilians cooperated with the puppet government. But once the occupying forces stopped forcing on the population a regime it did not desire, the cooperation ended and the regime fell without any casualties. What kept the communist regime in Czechoslovakia in power, at least since 1968, was the Russians, not the Czechoslovaks.

The 1989 revolutions were largely the product of consumerism. Havel correctly perceived the gradual infiltration of consumerism into Eastern Europe. However, he did not foresee its political and economic consequences. One of the main reasons for the demise of communism

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in Eastern Europe is its inability to deliver consumer goods. If Havel disregards or even opposes consumerism, he is likely to lose the support of those who expect the new Czechoslovakia to provide them with a German standard of living, and that would lead to the kind of problems Gorbachev is facing today.

Havel's greatest misconception concerns the information revolution. His "dangerous" IBM, in the form of desktop publishing and computer technology, has posed a much greater challenge to totalitarianism than all of Heidegger's philosophy. The free airways and the publishing business made Havel into what he is, and destroyed the spirit of totalitarianism even while its body still continued to function. Three options seem to be presently available. First, Havel might adapt to the times, change his philosophy and attempt to lead his country to become a European state, industrialized, scientific and productive. Second, Civic Forum, Havel's party, is composed of Christian-Democrats, Social-Democrats and Greens. If Havel attempts to implement his reactionary policies, conservatives and liberals may split Civic Forum into several political parties. In such an event, they may either keep Havel as a figure-head without real power, or abandon him as the leader of a small Green party. The least likely scenario is that Havel will succeed in implementing his reactionary policies, restricting the market and outlawing political parties.

It is hard to dislike Havel. In spite of the Heideggerian influence, he is still a simple moral man. Confronted with possible human rights violations that might arise from his reactionary policies, he would most likely retract them. Many of Havel's criticisms and reflections on the negative aspects of modernity are insightful. With scientific and technological progress, and a growing standard of living, modern civilization has lost its conscience. Athens needed Socrates to question its prejudices; the Russians needed Solzhenitsyn to tell them about the Gulags; Czechoslovakia needed Patocka to lead the way to truth; and the West requires the environmental movement to draw attention to the destructive side effects of technology. But would Plato's philosophy have been superior to Athenian democracy? Could Solzhenitsyn substitute for Gorbachev and Yeltsin? Should the Greens gain power in the West? Is the philosophy of Havel the dissident appropriate for Havel the President?

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Notes and Commentary:

Slaying the Republican Dragon: Reply to David Fraser

Andrew Fraser

It is often said that, once published, a book acquires a life of its own. For that reason, it is pointless for the author to respond to hostile reviews. David Fraser's recent review of my work, however, cries out for a response, not just because he misrepresents my views, but also because there is a question whether he has read the book. In another of the post-modern frenzies, he has decided to deconstruct the established form of the book review. He cannot be bothered to treat either the book or its subject — the republican tradition in Anglo-American constitutionalism — seriously. He obviously hopes to subvert two hegemonic discourses with a single signifier. In these circumstances the best defense is probably a good offense. Prior to the onset of post-modernism, unmistakable evidence that a reviewer had not done the author the elementary courtesy of reading his book would have provided the definitive response. Nowadays one cannot be so sure. In this case, however, David Fraser has in fact not made a "careful reading" of my book as published. What he has used as the basis of his review is a second draft completed in 1987. Worse still, he knows this.

It hardly matters to David Fraser whether he has read or even seen the book as published. It seems that there is something in the very idea of modernizing the ancient republican *telos* of civic freedom that drives him crazy. The unedited version of his review was not just hostile; it was hysterical. Thus it is unlikely he would have changed much more than the title of the guilty book, even had he read the published version.

But on the level of a civic morality appropriate to the "republic of letters" (as the post-modern interpretive community was called in the bad old days), David Fraser's review raises an elementary ethical issue: Should a critic physically examine and, if possible, read the book he claims to be reviewing? David Fraser presents himself as the champion of "a truly communitarian ethical project" against the evil forces of a revived republicanism. One then feels justified in asking what his review tells us about his sense of obligation toward other members of the intellectual community to which the review is addressed.

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David Fraser has no sense of respect "for the logic and consistency of concepts and institutions."[1] Ethical obligations, it seems, must be treated as essentially indeterminate. If so, one can hardly complain if he chooses to deconstruct the artificial boundary between the "private" role of a friend who has been invited to comment on a draft manuscript and the "public" role of the critic reviewing a published work. Can the reviewer plead in his own defense the "fundamental" instability of every human artifact "from law generally to the public/private distinction in particular." Can the socially constructed meaning of the book as physical artifact be so radically unstable that the critic is free to substitute for the text one of his own choosing? If so, is the critic equally free "to make a literary text mean what one likes"? Even some of the deconstructionist writers cited by David Fraser concede that such critical license "is not ethical."[2]

Perhaps David Fraser's reckless rush to judgment can be justified as a case of the end justifying the means. His review makes it clear that he regards my book as an ideological crime. Before the original text of his review was fumigated for publication by the ever-vigilant *Telos* editors, he attacked republicanism generally, and my book in particular, as a "Stalinoid fantasy" of the kind that "we have all seen before" when "it ended with the virtuous Few loading the undeserving Many into cattle cars and gas ovens." One might have expected that such an extreme reaction would have led him to communicate his horror and disgust to me, either in writing or personally, as he has had ample opportunity to do. The trouble is that, in dealing with our post-modern friends, we cannot take the answer to a rhetorical question for granted. When the same person who so casually accuses one of simultaneously harboring Stalinist ambitions and Nazi sympathies, himself advocates, with equal aplomb, the practice of "moral terrorism" in his dealings with colleagues and students,[3] one cannot be sure that a fierce rhetorical opposition to the famous political crimes of the past translates into anything more than naked political opportunism and simple intellectual dishonesty in the present.

Post-Modernism and the Politics of Group Representation

There should be nothing surprising about this. Post-modernists have transformed the unprincipled pursuit of political expediency into a form of intellectual pop-art. In the post-modern era of the "minimal self," the "decentered subject," David Fraser has recognized that he "belongs together" with the community, that he "is not an entity apart." His post-modernism is a typical product of the culture of narcissism as described by Christopher Lasch. The language of decentered subjectivity bespeaks "a protean sense of self" originating in a culture of consumption that "defines choice not as the freedom to choose one

1. Carl Schmitt, "The Plight of European Jurisprudence," *Telos* 83 (Spring 1990), p. 67.
2. J. Hillis Miller, quoted in Drucilla Cornell, "Post-Structuralism, the Ethical Relation, and the Law," *Cardozo Law Review*, No. 9 (1988) p. 1614.
3. David Fraser, "Truth and Hierarchy : Will the Circle Be Unbroken?," *Buffalo Law Review*, No. 33 (1989), p. 773.

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course of action over another but as the freedom to choose everything at once." In the narcissistic world of the radically unstable, minimal self, to use the "rigid" and "static" language of civic virtue is to impose one's own preferences or moral judgments on someone else. To actually believe in either the possibility or desirability of civic virtue is to catapult oneself into the company of Uncle Joe and Mad Adolf. Post-modernists "appear to assume that moral values can no longer be taught or transmitted through example and persuasion but are always 'imposed' on unwilling victims." It follows that every "attempt to win someone to your own point of view, or even to expose him to a point of view different from his own, becomes an intolerable interference with his freedom of choice."[4] Accordingly, David Fraser attacks as authoritarian elitism my alleged refusal to embrace the cornucopia of political possibilities opened up by "the contingency critique of modernity." In place of that expanded freedom of choice, I want "to impose a rigid, legalistic, formalistic view of politics and of our lives with others."[5]

Within this post-modern frame of mind, the public discussion of values becomes problematic. The threatening, oppressive character of moral discourse can be alleviated only by recognizing that society "is primarily a community of hierarchically organized classes or groups rather than an association of antecedently free individuals."[6] Because the selfhood of the decentered subject is ultimately an illusion, personal identity can be reduced "to the sexual and social roles imposed on people" by the conventions of group identity. Freedom comes to be identified with one's capacity to subvert those conventions "by the simple act of assuming a new identity or 'lifestyle'."[7] The clash between the competing moral "preferences" that emerge from group-specific experiences can be defused if those differences are acknowledged as irreducible and incommensurable. Any attempt to persuade another to adopt one's point of view seems misconceived and futile once it is taken for granted "that persons from one perspective or history can never completely understand and adopt the point of view of those with other group-based perspectives and histories."[8] On the individual level, communication across these differences serves mainly to enrich the socio-cultural menu of lifestyle options. On the level of system management, by providing "multiple groups, particularly the disadvantaged" with access to the decision-making process, it becomes possible "to ensure that processes of deliberation are not distorted by the mistaken appearance of a common set of interests on the part of all concerned."[9] The public

4. Christopher Lasch, *The Minimal Self: Psychic Survival in Troubled Times* (London: Picador, 1985), pp. 36-9.

5. This quotation is from the original, unedited text of David Fraser's review.

6. Patrick Monahan, *Politics and the Constitution: The Charter, Federalism the Supreme Court of Canada* (Toronto: Carswell, 1987), p. 92.

7. Lasch, *op. cit.*, p. 98.

8. Iris Marion Young, "Polity and Group Difference A Critique of the Ideal of Universal Citizenship," *Ethics*, No. 99 (1989), p. 258.

9. Cass Sunstein, "Beyond the Republican Revival," *Yale Law Journal* (1988), p. 1588.

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discussion of values exists not to bridge but to express differences.

David Fraser joins Iris Marion Young in rejecting the ancient republican principle of universal citizenship.[10] A republican might be defined as someone who believes that a binding and legitimate understanding of the common good can emerge within assemblies of citizens meeting on a plane of equality to exercise their powers of reasoned speech and political action. For Young, the concept of the general interest is a myth designed to entrench the privileges of socially dominant groups. By asserting the universal relevance of their own particular interests, powerful social groups effectively exclude and silence the voices of disadvantaged and oppressed groups in our society. Post-modern politics begins and ends, therefore, with the demand that the search for a common good or general interest be abandoned. In its place appears a "heterogeneous public" offering specific representation to a wide range of group identities defined by gender, ethnicity, language, religion, ability, age and sexual or consumer preferences.

This post-modern shift towards the politics of gender, ethnicity and language is closely related to the proliferation of corporatist steering mechanisms in the age of artificial negativity. It is by now well known that a strong central government in the US has "marginalized the states and now directly mediatizes weak and disintegrated ethnic communities as corporatist entities artificially constituted as control mechanisms to provide the kind of regulatory negativity the system needs to retain a modicum of internal rationality."[11] In attacking my treatment of corporatism, David Fraser pays no attention to previous discussions of the artificial negativity thesis.[12] He shows no sign of recognizing that the artificial constitution of social otherness has always been conceived as an *alternative* to the one-dimensional logic of bureaucratic expertise and *not* as an expansion of centralized administrative controls. Had David Fraser spent more time reading *Telos* (as well as my book) he might have avoided the sort of confusion revealed in his claim that "People within federal systems obviously *act* within them to achieve their goals, but they do not *merely* perpetuate one-dimensionality when they do so." In fact, one may doubt whether the capacity of the people to "act" is so obvious, without thereby asserting that all traces of social otherness have been obliterated. He asserts that the fundamental weakness of my book is that it "ignores the ability to act" and denies the possibility of "any self-determination" in a system I am said to describe as "monolithic." Since I neither ignore the possibility that modern social movements may engage in effective political and civic action nor treat the corporate welfare state as a one-dimensional monolith, it can easily be demonstrated that David Fraser is wrong in everything he says about my book.

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10. Young, *op. cit.*, see also, Iris Marion Young, "Impartiality and the Civic Public: Some Implications of Feminist Critiques of Moral and Political Theory," *Praxis International* (1986) p. 381.

11. Paul Piccone and G.L. Ulmen, "Schmitt's 'Testament' and the Future of Europe," *Telos* 83 (Spring 1990), p. 30.

12. See, for example, Paul Piccone, "The Crisis of One-Dimensionality," and Tim Luke, "Culture and Politics in the Age of Artificial Negativity" *Telos 35* (Spring 1978).

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The Dangers of Republican Virtue

Had the reviewer bothered to look at a copy of the book, he would have been able to consult the index. There he would have found references to several discussions of the meaning, nature and scope of political action. In one I draw upon Arendt's distinction between "action" and "behavior."[13] "Action" is the means by which individuals can distinguish themselves from each other. "Behavior" refers to the routinized and patterned forms of human conduct that can be understood in terms of statistical regularities. For Arendt, it was clear that the creation of a heterogeneous public based on the principle of group representation would work to narrow the scope of political action. The politics of group representation depends upon the assumed common identity and unitary interest of each group considered as a distinct social entity. It is premised on the statistical likelihood that the behavior of one group member will conform to that exhibited by others.[14] In a "heterogeneous public" the equality of individual citizens empowered to speak and act in the presence of their peers becomes degraded into the phenomenon of social conformism within affinity groups that fuse self and other into communities of interest. To act may often require the civic courage to resist the conformist pressures inherent in the assumed collective interest of a particular social group. Unfortunately, that sort of civic courage has been in short supply in the Critical Legal Studies movement (CLS).

The long-standing preoccupation of CLS members with the problem of achieving "good fusion"[15] with one another has reduced the possibilities of effective political and intellectual action both within the public sphere of the movement itself and in the world at large. It has long been common knowledge that CLS scholars "developed a strong norm of not criticizing each other's work in any way that might invalidate it, even within the gossip network among ourselves, but especially in our individual contacts with mainstream scholars."[16] In David Fraser's eyes, I have violated that norm by publishing works that contrast CLS unfavorably with the republican tradition.

In the original version of his review, David Fraser pronounces his anathema in blunt and uncompromising terms: "For those of us in CLS, [Andrew] Fraser is unsatisfying and dangerous." Dangerous because of my alleged support for a rigid institutional stasis in which lawyers would be the only social group free to "choose to operate regularly in the public realm." If I had my way, it seems that "everybody else" would be required to "withdraw to the private sphere of the

13. Andrew Fraser, *The Spirit of the Laws: Republicanism and the Unfinished Project of Modernity* (Toronto: University of Toronto Press, 1990), p. 282.

14. Randall Kennedy observes, for example, that because attitudes towards the death penalty show a strong statistical correlation with group identity, a defense attorney "would be well-advised to place as many blacks as possible on the jury" in a capital trial. "Racial Critiques of Legal Academia," *Harvard Law Review*, No. 102 (1989), p. 1816.

15. Robert W. Gordon, "Critical legal Histories," *Stanford Law Review*, No. 35 (1984), p. 114.

16. Duncan Kennedy, "Psycho-Social CLS," *Cardozo Law Review*, No. 6 (1985), p. 1018.

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family." Here, as elsewhere, David Fraser offers no specific citations from my work to establish that I have in fact made any such claims. Instead, he presents his readers with an inaccurate, distorted and garbled caricature of my argument.

The book does suggest that judges, lawyers and legal scholars may have useful roles to play in the creation of a modernized republican alternative to the monarchal paradigm of Westminster constitutionalism. But far from seeking to provide the legal profession with a monopoly over the possibilities of political action, republican jurisprudence would embed a "conditionally operative schema of civic action" in the everyday life and multiple affiliations of an institutionally transformed, autonomous and transnational civil society. David Fraser is therefore playing fast and loose with the facts when he asserts that the republican idea of civic virtue "transcends such petty considerations as the primary daily political modes." He insists that the model of the federal republic outlined in the book has no place for the representation of "territorial, cultural, ethnic, economic, or occupational interests." It makes no difference to him that (on page 368) I explicitly discuss the need for new forms of "territorial and functional, political and economic" representation to mediate between the universalistic claims of the state and the particularistic needs of civil society.

Taking Law Seriously

David Fraser presents my alleged determination to enthrone the legal profession as the sole arbiter of public virtue as the essence of the danger posed by my book. In fact, my conception of the role to be played by the legal professions in a regenerated republican polity is not so different from Schmitt's effort to identify "the established traditions of jurists" as a creative source of law. The point in both cases "is not just to capture the new, but to recapture the occluded spirit of the old, without which the new can no longer even be apprehended as the new and ends up lost in the chaos of legal positivism." Similarly, the point of characterizing the politics of group representation as "an instrument of community formation and social management" is not to deny the possibility of challenging the one-dimensional logic of a "monolithic" system. Rather, the "objective is *to go back to the roots* of Western culture in order to reground a project that has been derailed and threatens increasingly to self-destruct."[17]

Schmitt and I would probably part company on the question of whether the ancient roots of the *telos* of civic freedom are to be found in Greece or in Rome. To my mind the "established traditions" of European jurisprudence owe far too much to an age-old pattern of rule-from-above born out of the marriage of the imperial Roman state and the hierocratic Christian church. In the tradition of Westminster constitutionalism, the majestic image of the Crown still locates the formal genesis of constitutional authority in the hierocratic essence of

17. Piccone and Ulmen, *op. cit.* pp. 23-5. Cf. Alan C. Cairns "Citizens (Outsiders) and Governments (Insiders) in Constitution-Making: The Case of Meech Lake," *Canadian Public Policy*, No. 14 (1988), p. 134.

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imperial sovereignty. David Fraser reads this argument as an assertion "that all forms of hierarchy alienate people." Even when he is seeking common ground, he manages to distort my position. In fact, I take pains to deny that all hierarchies can be conflated "into variations on the theme of domination."[18] To reject the hierocratic tradition of rule from above in favor of a federal distribution of civic authority is not to deny the possibility or even the desirability of hierarchies defined in terms of fidelity to institutional goals. Such a view does entail the rejection of what Schmitt called "the political theology of sovereignty."[19] But whatever one's position on that issue, it is difficult to deny that the *telos* of civic freedom is tied to the capacity of jurists to institutionalize the normative foundations of a transnational and federal society endowed with a jurisgenerative capacity of its own. If it is to establish the institutional foundations of a truly pluralist social order, constitutional discourse must extend into the associational life of a genuinely autonomous civil society.

David Fraser's problem is that he does not want to take the dilemmas of the constitutional jurist seriously. In his view, because lawyers are a privileged social group, the universalistic pretensions of European jurisprudence are belied automatically by their origin in a group-specific experience. At the same time, the notion that the capacity of oppressed and disadvantaged groups to act might be constrained through the invisible influence exerted by the entrenched traditions of monarchal authority seems palpably absurd to him. For that reason he remains ignorant of recent British discussions of the essential role played by the legally absolute authority vested in the Crown-in-and-out-of-Parliament in underwriting the government policies he so readily denounces.

To draw attention to the doctrinal antinomies of Westminster constitutionalism is to insist that any serious analysis of constitutional theory and practice in Britain and the old settler dominions must recognize the distinction between the monarchy "as such" and what the monarchy "stands for."[20] To claim that Westminster constitutionalism is collapsing into doctrinal incoherence is not to remain fixated on the superficial logical opposition "of popular sovereignty versus despotism." On the contrary, it is even more important to understand how the rhetoric of popular sovereignty can be employed to enhance the despotic potential now being realized in the "motorized legislation" promulgated by bureaucratic mandarins acting in the name of the Crown.[21] To point to the

18. Andrew Fraser, *op. cit.*, p. 285; see also Martin Jay, "Hierarchy and the Humanities: The Radical Implications of a Conservative Idea," *Telos* 62 (Winter 1984-85) p. 141.

19. Carl Schmitt, *Political Theology; Four Chapters on the Concept of Sovereignty*, trans. George Schwab, (Cambridge: MIT Press, 1985).

20. Tom Nairn, "The Glamour of Backwardness," *Times Higher Education Supplement*, (January 11, 1985); Tom Nairn, "The Burial of Popular Sovereignty," *New Statesman*, (March 11, 1988).

21. Schmitt, "The Plight of European Jurisprudence," *op. cit.*, pp. 50-53. On the idea of popular sovereignty as the political reservoir of an intensified legal despotism,

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evident contradiction between the formal legal theory of an absolute, unitary, and uncontrollable legal authority vested in the Crown and the conventional political realities that normally constrain the exercise of that authority is not to deny their simultaneous dependence. To conclude that the monarchy matters is not to assert that "reality must be wrong." Rather, it is simply to remind ourselves that common sense may be as poor a guide to the nature of "reality" in the realm of constitutional law and politics as it turned out to be in astronomy. David Fraser still believes that the solar authority of the law revolves around the solid earthy realities of popular political power. Readers of my book will discover that the struggle to lay the constitutional foundations of civic freedom in Britain and the overseas dominions of the Crown cannot easily be disentangled from "the semiotic significance of Queen Elizabeth II." Contrary to David Fraser, many of those struggling against "union-smashing policies or unemployment or the abolition of local government or the poll tax" in the United Kingdom have come to the same conclusion.[22]

Bad History, Bad Politics, Bad Law

David Fraser refuses to take seriously the problem of preserving a stable tradition of constitutional limitations on the legally despotic will of the state. He is even more dismissive of my efforts to sketch a republican alternative to the monarchal traditions of Westminster constitutionalism. He states unequivocally that, because I "am not interested in either history or practice," I "can find no historical basis for a republican politics." Instead, I locate the source of a reconstituted republican polity in "a 'new' model of the corporation." In fact, I do not suggest that the republican model of the corporation as a civil body politic is "new" in any significant respect. How could I, when I devote an entire chapter to the legal history of civil bodies politic in America? He insists that my vision of republicanism rests upon a timeless, ahistorical ideal of the Greek *polis* in which a pure political space of public freedom is radically separated from the everyday life of society. He refuses to acknowledge that the central issue in the book has to do with the need to accommodate the republican tradition to the historical emergence of a modern civil society. It is precisely the existence of a complex, differentiated commercial civil society that has made "the liberty of the ancients" seem irrelevant to the political life of the modern nation-state.[23] Much of

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see Leonard Krieger, *An Essay on the Theory of Enlightened Despotism* (Chicago: University of Chicago Press, 1975) and Sheldon S. Wolin, *The Presence of the Past: Essays on the State and the Constitution* (Baltimore: Johns Hopkins University Press, 1989).

22. See, e.g., Tom Nairn, *The Enchanted Glass: Britain and its Monarchy* (London: Radius, 1988), Neal Ascherson, *Games with Shadows* (London: Radius, 1988); Christopher Hitchens, *The Monarchy* (London: Chatto and Windus, 1990); Anthony Arblaster, "Taking Monarchy Seriously," *New Left Review* 174 (March/April 1989); Victor Kiernan, "Meditations on a Theme by Tom Nairn," *New Left Review* 174 (March/April 1989); Tony Benn, "Time to Erase a Right Royal Fiction," *Guardian Weekly* (August 19, 1990), p. 4.

23. Cf. Benjamin Constant, "The Liberty of the Ancients Compared with that of the Moderns," in *Political Writings* (New York: Cambridge University Press, 1988).

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the book therefore deals with past efforts to embed the institutional life of Anglo-American civil society in a coherent sense of civic purpose. The historical problem is to explain how those failed attempts to modernize the republican tradition went off the rails. The practical question is whether the revived historical memory of early modern forms of civic action can help us acquire a new understanding of the liberties available to the moderns.

It is not at all clear what I would have to do to convince David Fraser that I am interested in history. He condemns my argument as "bad history, bad politics and bad law." But to reach that conclusion he must turn my argument on its head. He brashly declares, for example, that I have failed to understand that "the republican and liberal notions of property were confused and intertwined concepts." More generally, I have not yet grasped the fact that the "republican and the liberal world were not lived as distinct doctrinal inconsistencies but as daily reality." How different is that conclusion from my own suggestion that the civic concerns of republican lawyers became "absorbed within the liberal paradigm of market relations and the dictates of Christian morality?"[24] In the end, it seems that my history is bad because I reach the wrong political conclusions in my treatment of 19th century American law. He finds positive proof of my reactionary political sympathies in my discussion of the fellow-servant rule. I present this rule as an example of the way the law of contracts "gave expression to the often confused and ineffectual efforts of republican lawyers to carve out a space for civic morality in a society that had forsaken the 'joys of public happiness' in favor of the private goals of social mobility and economic advancement sanctified by a putatively republican ideology of free labor."[25] This view is too subtle for David Fraser. He reads it as an assertion that "the fellow-servant rationale makes perfect sense." But my discussion of the doctrine was not intended to defend it as a viable legal principle. Instead, I wanted to demonstrate that a crude instrumentalist analysis of the fellow-servant rule would obscure an important normative dimension of its historical meaning. Some writers have attacked the rule as a callous contrivance deliberately designed to shift the human costs of industrial growth onto its victims. One might instead construct a case for the claim that the doctrine was a well-intentioned failure.

David Fraser's self-righteous response to my argument is not even consistent with his own post-modernist premise that the meaning of any legal text is contingent, confused and indeterminate. Is it really so obvious that "common sense and historical study" drive one inexorably to the "simple" conclusion that the fellow-servant rule was "created in the interest of industrial capital"? Other writers, even those associated with CLS, are not so sure. Robert Gordon and Christopher Tomlins deny the existence "of any necessary causal connection between industrialization and the appearance of a narrowly drawn doctrine of tortious liability." Even if one believes that the court originally

24. Andrew Fraser, *op. cit.*, p. 147.
25. *Ibid.*, p. 170.

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promulgating the fellow-servant rule had intended such a connection, there could be no guarantee that the rule would actually serve its intended function "given that the doctrine itself remained open to the infinite variety of interpretation that critical analysis has disclosed at the center of the adjudication process." Tomlins also remarks that it is a mistake to see the rule as "an aggressive assault on previously uncontroversial notions of a master's responsibility for the welfare of his servants." Rather it was "an attempt to preserve the status quo in the face . . . of literally unprecedented claims."[26] Because he has no more interest in the history of legal doctrine than he has in constitutional scholarship, David Fraser simply ignores this body of work.

Conclusion

Over and over again, David Fraser takes it for granted, not only that legal doctrine is merely a vehicle for the interests of the powerful, but that it is nevertheless incapable of overcoming the will to resist among the marginalized and the oppressed. Because I throw doubt on both assumptions, I am said to be blind to the "problems of incommensurability and power imbalances" that reflect the exclusion of the powerless. Here too the reviewer reveals his carefully maintained ignorance of the republican tradition. It never seems to occur to him that classical republicanism acknowledged the problem of incommensurability in the ancient vocabulary by which the virtues of the Few were distinguished from those possessed by the One and the Many. Similarly, the existence of power imbalances among the constituent elements of the social order was recognized by incorporating the One, the Few and the Many into the structure of a mixed and balanced government raised as an essential bulwark against despotism.

Whatever David Fraser may think, republicans have long been sensitive to the contingent and artifactual nature of the common world. But, unlike the post-modernist, they are not content to submit to the vicissitudes of fortune. Contingency cannot be an end in itself. Instead, it reveals itself as a force to be mastered and overcome through the cultivation of the civic virtues. There can never be any guarantees, however, that a virtuous citizenry will forever resist the corrosive effects of time, corruption and decay. It remains an open question whether the ancient *telos* of civic freedom and the classical traditions of mixed and balanced government can be adapted to the circumstances of political, social and economic modernity. It was that question which my book sought to address. David Fraser should read it sometime.

26. Gordon, *op. cit.*, p. 1122; Christopher L. Tomlins, "A Mysterious Power: Industrial Accidents and the Legal Construction of Employment Relations in Massachusetts, 1800-1850," *Law and History Review*, No. 6 (1988), p. 375.

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*Post-Modern Sociality**

Michel Maffesoli

Much of the intelligentsia seems unable to understand the qualitative changes taking place within society. Confronted with the warning of impending social explosions or with political disillusion, this intelligentsia trots out one of the worn-out ideas of 19th century political philosophy: the infamous "civil society." This has the double advantage of avoiding analysis and of covering up the split running through the social body.

Every age has its predominant ideas. They are found, in various forms, in literature, lifestyles, multiple cultural forms, as well as in ideologies. One of these ideas, running through all civilization, is *moral life*, i.e., what allows for collective being. At times it is expressed as *morals*, i.e., it assumes the form of an overarching, universal and rigid category of "the ought." At other times, it privileges communication, collective emotion and, for this reason, is more relative, completely dependent on the groups that it structures. Thus, it is an *ethics* from below. It is a matter of *morals* versus *ethics*. The end of universal morality and the flourishing of alternative lifestyles do not mean that there are no specific rules governing social relations. What was marginalized during a productive period is diffracted in a multitude of central marginalities. This could be called an *ethics of aesthetics*. Such a linkage is not new. The ideal of classical Greece and certain Renaissance intuitions had already suggested such a combination. It is probably one of the most promising paths to follow. In any case, this combination allows one to make sense of the peculiar emotional atmosphere in today's societies. In this respect, it may be useful to speak, as Lyotard does, of the "postmodern condition."

Too befuddled by the gamut of the political dimension of existence, from its caricatured form (politics as usual) to its milder version (social movements), one can hardly place any value on such a perspective. However, the debate may be of some importance for the coming decades. Thus what is called "post-modern" is simply a way of emphasizing the relation between ethics and aesthetics. It is not a question of granting the term "postmodern" the status of a concept, but of seeing if the status of a group of categories and sensibilities are an alternative to those prevailing during modernity. It is a

* Translated by Russell Moore.

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matter of a new outlook, a category which allows one to recognize the saturation of a way of thinking and living, a category allowing the recognition of a precarious moment situated between the end of one world and the birth of the next. Umberto Eco compares it to mannerism and wonders if postmodernism is not simply the contemporary name for "mannerism as a metahistorical category." It would therefore be a *modus operandi* able to emphasize the intention or "artistic" will which seems, at a deeper level, to give life to the various aggregates of society.

It is no longer possible to reduce art simply to great works generally classified as *cultural*. It is daily life as a whole that is now considered a work of art. In this sense, "aesthetics" would be the groups of social situations (be they concerned with sports, music, consumption, politics etc.) in which collective emotions are lived out. This is due to the popularization of culture, but also to all the minuscule situations and practices that constitute the compost on which culture and civilization thrive. Without going into great detail, it can be said that the culinary act, festive moments, daily walks, leisure activities and the like can no longer be considered insignificant or frivolous elements of social life. To the extent that they express collective emotions, these acts constitute a genuine "underground centrality," an irrepressible will to live which has to be analyzed. There is an autonomy of banal forms of existence which, from a practical or rational viewpoint, do not have any finality, but are not thereby any less meaningful, even if this meaning is exhausted in its very realization.

Moral or political collective being, as it prevailed during modernity, is only religion in secular guises. Better yet, it traces the history of salvation, first in its Christian (awaiting the Second Coming and the millennium) and then in its progressive form (the myth of development and progress, particularly strong during the 19th century). But from the moment the divine foundation loses its substance and progress is no longer considered a categorical imperative, social existence is given back to itself. More precisely, the deity is no longer a unified entity. It tends to dissolve into the collective whole to become the "social divine." What links me to the Other becomes apparent when the world is given back to itself and is valued for its own sake. This is the foundation of all social life: what Nietzsche meant by "the will to power as art." From a moral viewpoint, God alone is the Great Artist (or His substitutes: the State, History, Progress — which are all modifications thereof). The creation or re-creation of all things depends on Him (or Them). This is what establishes the notion of *power* that so obscured — whether to strengthen or challenge it — modern times. Given back to itself, the world relies on the intrinsic *force* that constitutes it. Creation, in its various forms, will spring forth from a dynamic that is always renewed, and always plural. Various social situations, lifestyles and experiences become so many multiple expressions of a powerful vitalism. If there is any decline, it is the decline of institutions, and not of life without quality, i.e., in the life of sociality.

That may serve as background for "aesthetics" and its function as ethics.

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Experiencing in common gives rise to values and is conducive to creation. It does not matter that this creation is macroscopic, that it is applied to lifestyles, production, the environment and to communication itself. The collective force creates a work of art, i.e., social life in its entirety and in its various modalities. In other words, this is generalized art which recuperates the classical conception of "aisthesis": the emphasis being less on the artistic object as such, than on the *process* that causes one to admire some thing or things, or someone or certain persons. That is what is meant by the irrepressible vitalism of daily life.

This vitalism can assume sundry forms. This is clear in the transcendence of the strict separation of nature and culture. Modern thought rests on such a separation. Nowadays, however, many signs point to the confusion of the two poles in question or, at least, to their interpenetration. This confusion may be summarized as follows: "the acculturation of nature and the naturalization of culture." In other words, the relation to the social environment is inextricably linked to the relation with the natural environment. Such an ecological relation to the world is evident in numerous areas, be it in dressing, eating, or in matters dealing with the quality of life (without forgetting the various philosophies and other modes of production for which nature is no longer only an object to be exploited, but also a necessary partner).

This vitalism is found in whatever escapes a purely mechanical order, i.e., within various situations such as work, leisure, etc., inside different forms of aggregation, from the family unit to political parties, within the framework of various institutions such as schools, administrations, etc. In short, this vitalism obtains within and beyond economic and political life. This does not mean that there is no economic and political life, but that it rests on an "ethos" that modernity considers negligible: *sociality*.

The social realm includes mechanical solidarity, instrumentalism, the project, rationality and finality. Sociality, on the other hand, deals with the development of the organic solidarity of the symbolic dimension (communication), of the "non-logical," the concern for the present. It includes everythings having to do with the tragic, i.e., what is lived as such without taking contradictions into account. Futurism is replaced by "presentism." In designating the very foundation of collective being, this sociality necessitates taking into account everything previously considered frivolous, anecdotal or nonsensical.

Unlike those who continue to view social reality as the result of economic and political determination, or those who conceive of it as the rational, functional or contractual result of the association of autonomous individuals, those who share the outlook of post-modern sociality remind us that the social world, which is there as a "given," is the product of a permanent interaction, a constant reversibility among all elements (even the most minuscule) of the social milieu, within the natural environment.

Thus man as the master and actor of his history or of social history gives way to a man who "is acted on," who loses himself in the masses. It is a matter of taking seriously the disaffection regarding the various activisms characterizing

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modernity (be it political or productive). In other words, what does not depend on us means nothing to us. This explains the growing popularity of an "aesthetics of reception." Fashion, hedonism, the cult of the body, the prevalence of the image, all of these become forms of societal aggregation.

All these indices may be summarized by the metaphor of the Dionysiac. Some persist in seeing nothing serious in the "cast shadow" of Dionysus over our megapolises. Yet there are numerous social manifestations in music, sports and consumption that argue in this direction.

Summarizing what has driven the intellectual enterprise in the West since the Renaissance, "*ordinatio ad unum*," Auguste Comte assigned to sociology the secular realization of the great fantasy of the One. According to various schools, this distinctive attitude will be found anew in the elaboration of classes, socio-professional categories and any other *logic of identity*, be it sexual, ideological or professional. Otherwise, how is it possible to account for the transversality observed in the multiplicity of memberships, in the variety of "looks," runaway unisexualization, and ideological tinkering? In this sense, it seems urgent to elaborate a *logic of identification* involving personae with various masks.

This is not mean an abdication of the mind. To recognize the "non-logical" at work does not mean a return to irrationalism. On the contrary, integrating parameters like the imaginary, the ludic and the oneiric, can be considered a kind of "hyperrationalism." There is a coherence among these elements, a sort of red thread that must be singled out. This presentism, a contemporary way of expressing the immanentism of the Middle Ages or the *Carpe Diem* of the Renaissance, while stressing the need to forget about any other life behind the real lived one, reminds us that there is no reality except that of phenomena.

Whether one likes it or not, this can be seen in the demise of the great explanatory systems and in the ever increasing fragility of established certainties, be they religious, political or ideological. Rather than bemoan this or remain confined to conventional and reliable analyses, one must pay attention to what Machiavelli called the "thought of the public place." The French Revolution ushered in political modernity with all the sedition that it entailed. Two centuries later, we are witnessing, in the form of abstentions, silence, avoiding reaction, a new form of social sedition. Just as in the case of the first, it is not impossible that the culture of post-modernity begins with this new form of sedition.

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"Schmitt's 'Testament' and the Future of Europe": Four Exchanges

Dear Paul and Gary:

Your piece on the "Future of Europe" (*Telos* 83) is not only uncommonly thoughtful, but succeeds, on the whole, in uncoupling Schmitt's jurisprudence from his negative political image, and in portraying him as a serious political theorist — something I did not see emerging from the earlier issue on Schmitt (*Telos* 72). This time, I think, you have really touched on a very important problem and succeeded in justifying Schmitt's relevance to the idea of a federated Europe as a political super-force field (*Grossraum*). I want to make a couple of observations on what I perceive to be some undertheorized or underproblematized points in the article.

First, on Schmitt's critique of super-legality and the legislative state or state legality, you choose to ignore the profound anti-democratic *animus* that underlies Schmitt's complaint. In the context of fascism, it is easy to see that legislative majorities or pluralities are not necessarily democratic, especially if you define democracy less in terms of majority rule than the protection of minority rights against the militant majority. But in the context of the strict constructionism of a Robert Bork and the defense of "original intent," the matter of going back to the roots or holding on to constitutional norms becomes a bit more unsettling because "*nostra res agitur*," so to speak. The unquestioned defense of fundamental, universal, natural, etc. right against the onslaught of the masses in the form of positive law needs to be examined a bit more critically.

Second, the functionalization of law (discussed also by others who witnessed the confrontation of state legality and the rule of law, e.g., Franz Neumann is an accomplishment of capitalism, first and foremost, and only secondarily of the modern state. Schmitt seems to blame the instrumentalization of law on the revolt of the masses and its expression in state codification and state bureaucracy with its *ad hoc* rules and regulations. Although you give a nod to this problematic with phrases like "ideology of the rising bourgeoisie," the "growth of technology, market demands, and state control of the economy" (the last presumably an outgrowth of capitalist development), the tenor of your and Schmitt's analysis focuses on *political* rather than *economic* processes of change. A more catholic view of political economy might be helpful here.

Third, I get goose-pimples when I read about "smoothly functioning cultural entities," "living communities," the problem of "privileging abstract concepts

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over the concrete living reality," "appropriate geo-political adjustments," etc. Are *you*, perhaps, privileging the idiocy of ethno-nationalism and tribal-cultural fundamentalism (the real stuff of fascist "blood and soil") over a political universalism that, at least in the recent past, has managed occasionally to restrict the worst excesses of mindless particularism in the form of racism, tribalism, anti-Semitism, and other forms of ethnocentric brutality?

If you do not (as I assume), you need to clarify the implications of liberating "particularistic communities" from the oppressive, homogenizing effects of the legislative state. Else, your otherwise brilliant exposition of Schmitt's ideas feeds right back into the suspicion that he is nothing but an apologist of untrammeled "*völkisch*" impulses which, in their existentialist import for law and legitimacy (rather than mere legality) lead right back to the Heraclitean conviction that "war — struggle, conflict — is the father of all things," a theme I suspect informs also Schmitt's real-political concept of "enemy." A universalism made up of such "living communities" bent on preserving or propagating their concrete ethnic and cultural heritage against the leveling influences of political super-force fields does not bode well for a federated Europe.

Yours truly,

Wolf Heydebrand
Department of Sociology
New York University
New York, NY

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Dear Wolf:

Thank you for your thoughtful comments concerning our introduction to Schmitt's lecture, "The Plight of European Jurisprudence." They raise crucial issues which we felt all along needed more elaboration. Consequently, we will deal with the three main points that you raise systematically.

Super-Legality

You claim that we "choose to ignore the profound anti-democratic *animus*" underlying Schmitt's critique of super-legality. A careful reading of Schmitt's texts, however, reveals that there is no "anti-democratic *animus*," but a notion of democracy different from the standard liberal one. Schmitt readily acknowledges the *irreversibility* of the transition from dynastic to democratic legitimacy, and nowhere does he suggest either the possibility or desirability of a return to the former. Democratic legitimacy is his frame of reference, not because he likes it, but because it is the "concrete situation" he confronts. Thus

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he analyzes the contradictions of democratic legitimacy within the context of a critique of liberalism. He tries to show how liberalism and democracy are incompatible and reconstructs the development of liberal democracy in the 19th century. In *The Concept of the Political* he writes: "Democracy must do away with all the typical distinctions and depoliticizations characteristic of the liberal 19th century, also with those corresponding to the 19th century antitheses and divisions pertaining to the state-society (=political against social) contrast," i.e., those between the religious and the political, the cultural and the political, the economic and the political, the legal and the political. He also points out that there is nothing exceptional in this observation, since it was shared by all major 19th century thinkers such as Burckhardt and Tocqueville — and no one has ever accused them of any "anti-democratic *animus*." As we will argue, Schmitt's discussion of "super-legality" can only be interpreted as a *defense* of, rather than an attack against, democratic regimes such as Weimar.

Skipping over the mostly semantic issue of how to determine whether decisions are really "democratic," the objection seems to be about Schmitt's defense of a notion of law above and beyond a "popular will" embodied in positive law. Yet Schmitt's critique of "super-legality" can be read, as we do, in the opposite sense, i.e., as ultimately concerned with a defense of conditions without which democracy becomes impossible and deteriorates to authoritarianism. Furthermore, when this critique is objectified into a constitutional framework where "super-legality" cannot be easily deployed because of structural restrictions, it may allow the prefiguration of a political order considerably more democratic than existing ones.

Schmitt's critique of "super-legality" must be seen in the context of his related analyses of "motorized legislation" and "the functionalization of law." All three seek to prevent the delegitimation of legality, i.e., respect for the law, as a result of the excessive deployment of positive law, the subordination of the universality of law to particular social agendas, and its displacement by allegedly irresistible moral imperatives. The objective is to prevent the erosion of the preconditions for a democratic order, i.e., a law-abiding polity, which "super-legality," "motorized legislation" and "the functionalization of law" tend to precipitate. Far from being merely of archeological interest, presumably connected with new and struggling democratic regimes such as Weimar, these are fundamental legal problems being discussed today by people not generally familiar with European jurisprudence, but who rightly speak of "legalitarianism," i.e., the attempt to obtain, through instrumentalization of the legal system, political objectives no longer attainable by purely political means. Unaware of the Schmittian analysis, these theoretically weak versions remain mired in the very same social-democratic framework which generates "super-legality" and "motorized legislation." They can only result in an ineffective moralistic critique of the functionalization of an already delegitimated legal system now up for grabs by whatever political group can manage to master a working majority.

Schmitt's original concern focused primarily on the old paradox of the

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democratic destruction of democratic institutions, following from the fact that majorities can be readily assembled for the alteration or abrogation of what earlier majorities found to be wise decisions. Unfortunately, in a democratic order there is no failsafe way to prevent this without contradicting democratic sovereignty. No norm, no matter how fundamental, can ultimately be beyond the scrutiny and discretion of the polity. At best, procedures can be devised to forestall rash decisions from being implemented too easily or with weak majorities (this was one of the problems with the Weimar Constitution, which eventually contributed to its demise). The traditional solution has been to protect fundamental norms from the vagaries of contingent political imperatives by constitutionally exempting them from alteration or abrogation on the basis of simple majorities, in favor of considerably more stringent criteria (such as those regulating changes in the US Constitution). Even then, there is no guarantee that relatively unwise norms will not find their way into the Constitution, e.g., as happened in 1919 with the 19th Amendment prohibiting the drinking of alcoholic beverages.

In this context, Schmitt outlines what he acknowledges to be a traditional, but today hardly feasible, alternative: appeal to a quasi-mythological notion of a "European jurisprudence" which, mediated by a highly moral and presumably exceptionally wise legal profession, would decide on particular cases by reference to longstanding legal practices and precedents — without either appealing to a formal code or deploying any new positive laws and regulations threatening to precipitate unforeseen and undesirable consequences. Given the nature of the existing legal profession as well as the present, almost universal, hermeneutical chaos, this Schmittian prescription is well-meant but not very practical. Its *intent*, however, is worth salvaging: to guarantee continuity between pre-legal normative foundations and whatever legal decisions are rendered, i.e., substantive justice, without becoming lost in the formalism that normally comes between the two and becomes eventually decisive. Historically, this is precisely what constitutional law is meant to safeguard. That today it seems to be failing has to do, not so much with the legal structure *sic et nunc*, but with the fact that institutions such as the Supreme Court are by no means exempted from the hermeneutical imbroglios in which every other social institution is ensnarled. Today, not only are the pre-legal norms with which continuity is to be guaranteed no longer immediately obvious, they have ceased to be universally shared. Within a context where the opponents of these fundamental norms can readily deploy "super-legality," hermeneutical objections are automatically raised whenever substantive challenges fail to achieve particular political goals. This is why the same issues constantly come up for review whenever new configurations of the personnel in the Supreme Court lead particular political groups to believe that different and more favorable "readings" of the Constitution are possible. Be that as it may, it should still be possible to establish beyond doubt what pre-legal norms the constitutional framework presupposed as underlying particular laws or allowed for in originally

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unforeseeable cases (and thus define legality), and whether these norms should be kept, modified or discarded through a democratic process independent of the application of the law itself (and thus define constitutionality).

But Schmitt's critique of "super-legality" entails a lot more than a mere call for constitutional guarantees against rash "mob action" — what would amount to the rediscovery of pedestrian safeguards such as the fundamental provisions of the US Constitution. Its role as a *kathechon* is meant to protect the transcendent character of law from instrumentalizations whose ultimate result is precisely the delegitimation of this trascendental character and the deterioration of legality to expediency. The problem goes back to the fact that, historically, legal structures have been very slow in changing, corresponding to idyllic traditional settings unaffected by sudden social challenges and upheavals. The acceleration of such challenges in the 19th and especially the 20th century has led to a new and increasingly problematic situation. The deployment of positive law (codification) subject to legislative deliberations could be broadly seen, among many other things, as a response to traditional institutional paralysis within a context of rapidly changing social conditions. This clearly democratic innovation in the wake of the French Revolution ran into problems which have become well-known in the 20th century (but against which Savigny had warned from the very beginning) when what Schmitt calls "motorized legislation" tended to lose sight of the deeper foundations of law in the rush to respond to new major crises (e.g., the legal institutionalization of Nazism as a solution to the crisis of Weimar). If, as already indicated, these norms can be abrogated by the whims of whatever majority can be assembled at any given time (when, under the pretense of implementing "substantive" justice or solving a major crisis, legality loses its relation to "right" and "wrong" and ultimately collapses into opportunism and nihilism), law ceases to be constitutive of a given society and deteriorates to mere expediency. This undermines not only the integrity of law, but also that social trust without which compliance with law degenerates from an ethical norm to a utilitarian calculus concerning the possible consequences of complying or failure to comply with whatever happens to be *the* law at any given time. No society can function effectively where compliance becomes merely a matter of utilitarian calculations.

This is nothing more than the juridical flip side of what Norbert Elias described as the dynamics of the civilizing process. The gradual internalization of norms, which eventually constitutes the community as "second nature," ceases to function as a result of the social disintegration historically precipitated by the rise of capitalism and its displacement of traditional societies. At that point, communitarian norms which had previously enjoyed near-universal adherence, and therefore resulted in social stability, enter into a crisis whose solution can only be sought in the externalization of these norms in a formal legal code. But this process of externalization and formalization of previously internalized norms only contributes to the further disintegration of the

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community now no longer held together by constitutive (and, therefore, automatically accepted) customs and traditions. The organicity of the community thus gives way to a society of abstract individuals with formal rights but no longer necessarily held together by anything more than self-interest. Within such a context, the gradual erosion of informal community structures can only be met by the intensification of legislation which, to the extent that this is always particular and therefore unable to encompass its object other than in some of its aspects, necessarily generates unintended consequences remediable only through further legislative action. The result is the "motorization" of legislation.

Schmitt's point is that the constant passage of new legislation renders the law far too contingent and no longer obviously embodying any broad popular will but, rather, the agenda of whatever particular group has managed to assemble a working majority at any particular time. Once law loses its transcendent character as a result of this politicization, democracy cannot function effectively as the free expression of the popular will since it no longer elicits willing compliance to its deliberations — a compliance which now has to be enforced primarily through coercion. If the democratic process ends up having to function within the equivalent of a police state needed to oversee compliance with the law, it will inevitably undermine its own foundations: formerly freely law-abiding citizens now constantly suspected of potential illegality whenever opportune to do so, since the law is no longer connected to morality and personal identity.

This "functionalization of law" in turn results in a social stalemate and paralysis seemingly resolvable only by the artificial reintroduction of the eroded ethical dimension: the deployment of "super-legality." Because of the compulsive nature of its moral mandate, "super-legality" supercedes all established legal structures and brings about a situation of lawlessness — the typical predicament following revolutions. This is not a predicament conducive to democracy but, at best, to a sovereign dictatorship entrusted with constituting a new order, even in the legal domain (one needs only recall the French and the Russian Revolutions, and the immense effort it took to reestablish a viable legality, never really accomplished in the USSR). Even in cases in which the existing legal order manages to hold, it undergoes nonetheless a significant destabilization characterized also by a delegitimation of law and growing normlessness. In this sense, the critique of "super-legality" seeks to restrain the democratic process from unwittingly creating the conditions for its own eventual disintegration (in Schmitt's case, of course, it seeks to provide an explanation for the collapse of Weimar and the rise of Nazism). Its more general point is to warn against rushing into decisions counter to *well-established practices* because of seemingly irresistible moral imperatives, even in the face of relatively critical social predicaments.

Such a critique remains useful today to explain, e.g., the present American predicament where a flood of rash well-intentioned legislation meant to redress clear cases of social injustice has brought about precisely the consequences

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Schmitt described: an unease with law as merely contingent and, therefore, likely to be revised or abrogated according to predominant political sentiments; growing distrust of law as a means of social control and domination; loss of continuity between legality and morality, and a perception of law-enforcement agencies as purely adversarial entities. This is the kind of situation brought about by the flood of race-related legislation during the past two decades, e.g., Affirmative Action. All this legislation does not seem to have substantially improved the lot of blacks *as a whole* (although it has created a significant black middle-class), while exacting a very high price: it has contributed to the delegitimation of the legal structure and to an intensification of social conflicts. This is not the place to undertake an analysis of this issue, beyond pointing out the extent to which the super-legal status of anti-racism has resulted in the deployment of alleged "civil rights" legislation which not only clashes with the very egalitarianism it is meant to enforce, but has hardened racial divisions, intensified white resentment (and thus reinforced residual racism), and delegitimated traditional meritocratic norms. Under the pretense of extending the promise of "the Amererican dream" to groups hitherto unjustly excluded from it, the "super-legality" of anti-racism has practically destroyed its credibility — an outcome which threatens to precipitate American society into a legitimation crisis of major proportions.

Similarly, the "motorization" of legislation triggered by this American version of "super-legality" has degraded law to the point that it cannot be expected to remain in force from day to day. It has lost its normative character and become merely another obstacle to be avoided, circumvented or even simply ignored when convenient. This predicament cannot be remedied either by deploying more or "better" laws — part of the problem — or by increasing law enforcement. If the reconstitution of the civic fiber subsequently resulting in a relegitimation of the legal system cannot be brought about by bureaucratic or legislative means, it can be encouraged by fostering the reconstitution of basic community structures such as social trust, family ties and personal responsibility within a revitalized, strong but minimalist, federal system able to simultaneously decentralize self-determination while centralizing essential jurisprudential functions and eliminating, rather than mutiplying, existing bureaucratic structures.

The Functionalization of Law

Your second major point is that "the functionalization of law" is "an accomplishment of capitalism first and foremost, and only secondarily that of the modern state." This is not historically correct, and differs considerably from how Schmitt understood the relation between the state and the economy. According to him, the general tendency of the liberal 19th century was to prevent state intervention in the economy: to neutralize the state *vis à vis* society and its conflicts of interest. Yet all these antitheses were lost when the state became the "self-organization of society," and this society which had become

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the state was first and foremost an economic one. In such a state, there is nothing that is not at least potentially political. This Schmitt saw as part of a development from the absolutist state of the 17th and 18th centuries to the liberal-neutral state of the 19th century to the potentially "total state" of the 20th century. The most conspicuous shift is in economics, which entails a qualitative transformation of all areas of public life.

Here the relation of the state to the economy becomes the focus of internal political questions and, eventually, economic issues come to dominate foreign policy as well. It is precisely this new relation between politics and economics that ushered in a new constitutional imperative to guard against the unavoidable political premiums accruing to the legal holding of state power, i.e., to constitutionally limit "political surplus value." Consequently, your claim that our own and Schmitt's analysis focuses on *political* rather than *economic* processes misses the point, i.e., that it is no longer possible to uphold any artificial distinction between the political and the economic. The focus today is on *political economy*. At the close of *The Concept of the Political*, Schmitt wrote: "Economic antagonisms can become political, and the fact that an economic power position could arise proves that the point of the political may be reached from the economic as from any other domain. The often quoted phrase by Walter Rathenau, namely that the destiny today is not politics but economics, originated in this context. It would be more exact to say that politics continues to remain the destiny, but what has occurred is that economics has become political and thereby the destiny." In a nutshell, the critique of political economy reaches its logical conclusion in the political rather than in the economic sphere. One need look no further than the present Middle East crisis to realize the extent to which today economic questions such as the price and supply of oil automatically become major political issues — issues articulated as such at the highest political levels, and badly mystified for the ideological consumption of the democratic mass polity thereby excluded from any active participation in a decision-making process safely in the hands of the predominant economic interests. The same could be said of the collapse of "really existing socialism" — a collapse successfully marketed as a "democratic revolution," but which is actually a translation into politics of the abysmal economic performance of bureaucratic collectivist regimes and the consumerist expectations such a failure left unmet.

The "functionalization of law" is obviously connected to the rise of capitalism, but in a more complex way than a vulgar Marxist interpretation would have it, i.e., it is not merely a matter of capitalism instrumentalizing law for its own purposes — although there has been a great deal of that as well. Given the nature of capitalism, its legal otherness is an abstract universalism which, subsequent to the initial codification and institutionalization of the constitutional framework, settles for a minimalist approach to government. Only when capitalism began to run into trouble as a result of the unfolding of its own inner dynamics. i.e., with the growth of oligopolistic structures, the obliteration of competition, and the erosion of other internal regulatory mechanisms,

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was the state forced to deploy a whole array of legislation to formally regulate relations hitherto deemed self-regulating in order to preserve conditions conducive to capitalist production and reproduction (the New Deal). Thus it is not altogether accurate to blame "the functionalization of law" solely on capitalism rather than on the state, and see it more broadly as a response to social or economic disintegration. Rather: capitalism requires the modern interventionist state able and willing to undertake the new managerial tasks required to formally regulate a hitherto relatively self-regulating system.

The main agency of "the functionalization of law," especially in the past sixty years, has been the interventionist state, which has "motorized legislation" beyond Schmitt's worst nightmares (New York State last year passed epoch-making legislation outlawing the widespread practice of dwarf-throwing!). Clearly, economic power can be translated into legal institutions only through the mediation of the state. To try to explain developments in the legal domain by direct reference to economic processes is doomed to collapse into vulgar Marxism. While the rise of fascism and Nazism was obviously connected with the stalemate between labor and capital, such a relation cannot be characterized in the crude reductive way that people such as David Abraham — to name only one recent case — have attempted in analyzing the demise of Weimar. Similarly, it would be difficult to relate recent legal developments such as the formulation of new "rights" in terms of the logic of capitalism. In the present context, when the collapse of "really existing socialism" has relegitimated capitalism as a fundamentally fair and efficient system above and beyond any possible political challenges, "the functionalization of law" has become almost "second nature." It has become normal today to pass special legislation such as tax-exemptions, direct subsidies, land-grants, etc. to encourage investments and to gear entire political programs to the creation of "environmental conditions conducive to business expansion." Capitalism does not have to functionalize law: today it is law itself that spontaneously (or by popular demand) functionalizes itself in the interest of capital.

The Populist Residue

This third issue concerning reconsideration of the status of particularistic "organic communities" is probably the most interesting. Although appeals to such entities throughout this century have had catastrophic results, these point to hitherto uninvestigated areas promising possible resolutions for the antinomies generated by "motorized legislation" and "super-legality." Such have been the bread-and-butter of reactionary movements and resulted in some of the worst massacres in the history of humanity. Yet people are always more than mere "citizens" living in abstract "civil societies," and need concrete communities held together by traditions, customs, religions, mythologies, etc. to transact everyday life. Secular alternatives have historically proven to make poor substitutes. At any rate, Habermas to the contrary notwithstanding, it is very difficult, if not impossible, to deduct normative directives from reason

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or communication as such. It seems only fair to grant these communities the right to whatever beliefs or customs they wish *as long as they do not interfere with other communities.* This is "Introduction to John Stuart Mill 101" and "Anti-imperialism 102." The usual problem is that these particularistic communities (and all communities are always necessarily particularistic, defined as such precisely by that otherness they exclude) can thrive only as long as they can also assume the universality of their particularism, which constantly places them on a collision course with all other communities seeking to universalize their own particularity. This predicament has historically resulted in intolerance, xenophobia, racism, etc., which is why a broader framework allowing these communities to resolve conflicts and, in extreme cases, preventing their mutual annihilation, is absolutely essential, even if not always feasible.

Traditional solutions to this quandary have been articulated along federalist or confederalist lines seeking to reconcile the particularism of the various constituting communities with the universalism of a broader framework, without at the same time unnecessarily interfering with the internal character of these communities. The legal mandate of this broader political body should be *minimal*, in order to allow the particular communities the broadest possible latitude for self-determination. Historically, however, there has been a tendency to expand the initially universalistic horizon with all sorts of "rights," which not only become cumbersome limitations and intrusions on communities but end up blurring boundaries and extending the range of the federal government over everyday life.

The creation of new "rights" — one of today's versions of "super-legality" — destroys community autonomy and self-determination by expanding the jurisdiction of the federal government and its bureaucratic arms to cover every possible community practice. As a result, as Christopher Lasch shows in the closing chapter of his new book, *The True and Only Heaven*, residual communities end up as empty shells able to protect their integrity only by constantly confronting a federal goverment threatening to destroy whatever is left of them under the pretense of enforcing federally guaranteed rights. Although confused advocates of "civil society" see no conflict between democracy and the expansion of rights (since they start from a bureaucratic notion of society as the mere aggregation of abstract individuals held together only by mutual interests), instrumentalized rights are effective means of bureaucratic penetration (and subsequently disintegration) of previously autonomous communities. The resulting legal homogenization modernizes these communities along lines dogmatically defined by secular humanists as "civil," but at the price of weakening whatever communitarian structures held them together. The very need to have an external agency — usually the federal government — enforce rights in them presupposes the existence of social pathologies in need of political therapy. Very often, in the long run, the cure turns out to be worse than the disease.

Here it is not a matter of taking a position for or against integrationist policies since, historically, minorities have taken either position. As Johnstone shows in

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his article in *Telos* 85, the decisive factor is not principles but outcomes, i.e., whether communitarian particularity and autonomy (Quebec, Lithuania, or urban areas in which minorities in the country as a whole happen to be a local majority) or universalist rights (ANC in South Africa, the traditional civil rights movement in the US, etc.) happen to be in the interests of the group in question. Although communities are always in some way or other in crisis — this is what determines their dynamism and changing character — it is not immediately obvious that imposition of universalist principles can always provide solutions which are not in the long run worse than the problem. At any rate, in the specific case of European unification, the issue is not one of universalist principles versus particularistic communities, since none of the particular communities are willing to give up any more sovereignty than the absolute minimum. Nor is it a matter of inventing any mythical "*völkisch*" communities to precipitate Europe into another major catastrophe. The point, rather, is to strengthen existing communities sufficiently so that they can sustain their role as autonomous units within an equally strong federal system.

Given existing political realities, Europe as a *Grossraum*, like all other possible *Grossräume*, can be organized only on bases so weak and general that they can function effectively only if the constituting elements are themselves already sufficiently strong to sustain, rather than be sustained by, a federal structure. The strength of the various constitutive communities need not be predicated on the mummification of ethnic or national particularities against all possible external leveling influences. That defines *dead* rather than *living* communities — the ideal of American academic defenders of "multiculturalism," whose hidden agenda has to do with advancing the dead-end careers of otherwise mediocre scholars under the banner of "Affirmative Action," rather than with their manifest concern with fading ethnic identities. All living communities are inherently dynamic and, therefore, constantly changing as a result of external influences and internal exigencies. To contrapose these ethnic, racial, linguistic or religious communities to a European or Western tradition accused of being logocentric, white-male dominated, and fraudulently hypostatizing the particularity of one group above and beyond all others is to assume a relativism which automatically undermines any claims to that equality, justice, and subjectivity without which no particularistic culture or tradition can be legitimately defended other than by power as such. Without these Western values (which, however, can be readily unearthed in any particular culture aspiring to universality), no claim can be made for the autonomy of any particularistic culture. The claim itself presupposes precisely that which is being attacked. At any rate, efforts to preserve the particularity of the various composing communities in Europe in no way contradicts the universalist framework of the federal structure being constructed.

Best regards,

Paul Piccone and Gary Ulmen

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Dear Paul and Gary,

Thank you for your letters, and for a copy of your article. I read it when it arrived, and could see that the apparent proximity of our arguments is deceptive. They don't go well together. I am really trying to say something quite different than you, i.e., that it is still worthwhile to attempt to make empirical democracy live up to its concept. I have never had an experience of a "living community" or "autonomous region," have no idea what they are or where they are, so I do not understand the alternative to a political and institutional definition of democracy that you want to suggest.

I feel very much at home, still, with the Frankfurt School's immanent critique of the Enlightenment, the modernist goal of a secular and just society, and the egalitarian ideal of political democracy. I do not see how Schmitt's appeal to a pre-modern tradition of European jurisprudence provides a better answer. Not that his excellent critical insights cannot be radicalized. They can. But his interpretation of these insights implies *intrinsically* (no argument *ad hominem* here) a Eurocentric *hubris* that is both self-congratulatory and mystifying. I believe that the events in the Middle East which are going on as I write this letter manifest the grave dangers of such Eurocentric views of what constitutes "reason" and "order," as they are the legitimation for the unleashing of an always destructive machinery of war.

For our generation, intellectual "answers" do not exist in some earlier writer who has not yet been properly appreciated. None of the past answers have been sufficient. At the same time, because progress is not guaranteed, new thinking is not necessarily better simply by virtue of its coming later in time. To acknowledge that there never was a past golden age, any more than there is a guaranteed rosy future, is to acknowledge the reality of our own situation, which can perhaps, therefore, rightfully be called "post-modern."

When I say "we," I do not mean We Americans; nor do I mean We Europeans — much less some local or regional "community." I do not speak for intellectuals as a Class; I surely do not speak for humankind. But I do speak for a certain international generation (its numbers are not insignificant) who came to age in the post-War world, reached political maturity with the events of the sixties, and is now beginning to reach the apex of its power, and consequently of its responsibility. I think your article reflects that realization, as it moves away from the sheer critical iconoclasm of earlier arguments of "artificial negativity" toward a more positive alternative position. But to make that alternative convincing will take more than the re-reading of Schmitt that this article provides:

1. The piece begins with a Schmittian (re)construction of the recent history of international relations. The phrases: "began to decline" "signaled the end" "began as . . . and ended as" — are all metaphors of a continuous development, so that the historical narration (of decline from an earlier golden age of just wars between sovereign equals) sets the stage for Schmitt's ideological conservatism, which is then taken over by the authors largely uncritically. Compare this developmental conceptualization with the critical search for origins implied

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by Benjamin's concept of "*Ur-form*," or Foucault's "archaeologies." (See also all the "gradual decline," "increasingly obsolete," "gradually subverted" phrases that get especially thick at the end of the piece.)

2. As a result of this language of gradualism and continuous development, the essay's reconstruction of history makes an enormous number of sweeping generalizations, suggesting an oversimplified causality, and a muting of distinctions. Thus the frequent predictions ("likely to remain," "likely to necessitate," "seems headed toward," "is doomed") are unconvincing.

3. The domination within Europe of transnational capital is "inevitable"; not it, but "bureaucracy" is the problem, and it frustrates Reagan and Gorbachev alike. The "statist intervention of the New Deal" constructed a "recalcitrant bureaucracy," leading to "irreversible statist involution." It can only be opposed by "fiercely autonomous regionalism" or "vibrant federalism" that can "debilitate statist involution." I assume this regionalism/federalism will remain dependent on the "inevitable" economic context of transnational capitalism that will provide some kind of "unifying center"? What if capitalism causes *dis*unities within regions and localities. Can the dangers of these sources of disunity be neutralized in turn by the "unifying center" of jurisprudence, which itself is the secularization of the homogenizing values of a common religion? (Saddam Hussein, evoking another religion as the unifying center, is banking on the answer being yes.)

4. Once we have the truth of history in three pages, we are told that all of this, remarkably, was prefigured by Carl Schmitt.

5. Rehabilitation of Schmitt. Polemic against the "dogmatic liberal Left." Much of this seems to me to be justified, in light of the too cursory dismissal of Schmitt by many "Left" intellectuals. But their arguments *ad hominem* are not the same as saying that in the case of Schmitt and Savigny (*and* Heidegger) the theoretical premises within which they operate make certain kinds of "political mistakes" not only possible, but probable. This was Adorno's approach to Heidegger, and as "immanent criticism," it deserves to be taken seriously.

6. Super-legality as a concept (where I would speak of a "wild zone of power"). The argument here shows that legality can self-destruct through law (the Nazi's "legal" destruction of legality). This is an important critique of the legal state, and a justified correction of the reception of Schmitt as pro-Nazi. But to imply that this is *only* problematic when the positivist legal system is instrumentalized (in order to redress social injustices) implies that a non-instrumentalized system would not still face the problem of a wild zone of power. But, of course, any conservative political philosophy by definition legitimates a wild zone, the use of force to defend the tradition of law.

7. European jurisprudence as the protection of European identity, defined as basic rights (constitutionalism) vs. instrumental legislation (legalism, legal positivism), the *jus publicum Europæum* as the "first global order" "began to decline" with the French Revolution. State bureaucracy instrumentalized the legal establishment, and this threatened "social identity." But what *is* "social identity" if not a tradition-legitimated class order? The laws passed on the "whims"

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of the "official legislators" refer, of course, to laws passed by democratically elected representatives, but, according to Schmitt, Piccone and Ulmen (sounds like a law firm!), this just leads to a bad "democratizing of all views to the same level," which is in turn the source of all evils from Nazism to Stalinism to post-modernism (all cows turn grey here).

8. Enter Husserl as the philosophical counterpart to Schmitt, both analyzing "facets of the same epoch-making project begun in Greece." This "universal project" was European of course (how do the Arabs, Chinese, Japanese, Africans, etc. feel about that? Is the project valid for all, or only for all of Christendom?) The danger is not the universal project but the "universalizing consciousness gone astray," "forgetting its own identity," and "becoming corrupted" (a loaded term). But, according to Schmitt, it was not only logical positivism (or bureaucracy) that "corrupted" the European project, but *the whole idea of mass democracy*. Not to confront head-on Schmitt's dismissal of democracy is to whitewash the radicality of his critique of modernity (cf. Husserl, who was in the Enlightenment tradition as Schmitt was not).

9. Schmitt's lament over the "collapse of legitimacy into legality," and his affirmation that (in the author's words): "The point is to vindicate that essential dimension which not only distinguishes European consciousness from all others but, because of its commitment to rationality and order as constitutive features of being, comes to include all possible cultures." Oh, my, this is a problematic sentence! Since when are "rationality" (how defined?) and "order" (whose order?) the meta-principles of "all possible cultures," and at the same time (conveniently for Western desires for hegemony) the exclusive characteristics that identify European culture? The logic here is not only tenuous in the extreme. It is dangerous. It is absolutely compatible, for example, with George Bush's Middle East Policy in the sense that it precludes any legitimacy of a critique of that policy, which must, from the start, be correct because it is committed to rationality and order as defined exclusively by Western culture, and then universally applied.

10. How, indeed, *does* reason avoid becoming "misguided rationalism"? By its "commitment to order"? In comparison to this approach, Habermas' "lame recycling" of the Enlightenment — or even post-modernist "relativism and nihilism" — looks surprisingly appealing. I think I prefer post-modernism's "paralyzing everything as it was" to Schmitt's activist critique that pushes everything back to late feudalism.

11. Codification of the law is equated here with "large-scale legislation," i.e., state bureaucracy. This is seen to be the sorry result of legislators making the law, rather than the "established traditions of jurists." These legislators are equated with "bureaucratic mandarins." Such a conflation makes *democracy* the enemy after all. All political representation is seen as leading to political bureaucracy. That doesn't wash. After all, the *Code Napoleon* was embraced by much of Europe as "progress" because it challenged the aristocratic feudal "order" — by means of an appeal to universal reason (precisely that allegedly distinctive European trait).

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12. The Frankfurt School's critique of "subjective reason" is not because of its "fleetingness," or because of its "interplay" with predominant power interests, but because the philosophical groundrules of idealism are philosophically false.

13. We are assured that Schmitt's nostalgic desire to return to a rule of jurists and to the "project of European civilization" does "not necessarily" entail a new priesthood of a new class. (Why? Because it will make do with the existing class order?) The "legitimacy" of a higher authority, the absence of which Schmitt laments, is, unfortunately (if it is not the Christian god) the authority of tradition, the historical past of a society that was even less humane than our own, because it accepted none of the radical equality of human beings *by nature* (and not only before the law) that characterizes the modern concept of democracy, and precisely this radical conception is what has had a universal appeal to all cultures in the modern world. The fact that Europe didn't live up to its own radical concept of democracy gave a space for the political opposition movements of Gandhi, King, Mandela, and many others.

14. Schmitt's criticism that the legitimacy of the legal state is "artificial" forgets that *all* legitimacy is "artificial," that of traditional law as well as positivist law. Tradition only appears to be less artificial because of the illusions of "second nature." Do you really want to abandon the insights of *Ideologiekritik?*" If so, then you ought not to pretend that Adorno in any way fits into your own concerns.

15. Legislators' "whims" become norms in the legalistic state. Would you prefer the *monarch's* whims to become law? (See Hegel on the state, and Marx's critique of Hegel.) Is the "good" government a constitutional monarchy (the Prussian state)? Not according to Schmitt, who is no Hegelian, and who wants to keep legitimacy and legality as separate powers (jurists are only "one estate among several"). Schmitt's call for a separation of powers is laudable as a critique of statism, but it cannot be translated into a critique of bureaucratic regimes, over which states have no monopoly! — consider Tim Luke's brilliant concept of "McGulag," which captures the fungibility and compatibility of state (USSR) and corporate (McDonald's) bureaucratic forms.

16. In the case of the US, any attempt to diverge through legislation from the intents of those persons elsewhere called the Founding Fathers (that utterly annoying appellate) is, we are told "the juridical counterpart of post-modernity." Again, I am becoming more pro-post-modernist by the moment. But now there is a switch away from Schmitt, an appeal to regionalism, to reasserting "the particularities of various communities" hitherto "coercively homogenized into artificial nations" — this is suddenly very appealing. How does it follow from the above argument? Rather than answering that, the section ends, and we move to . . .

17. The Future of Europe. Here we are given a recipe for solving the problem of a European identity: one part Husserl's teleology of culture; one part Schmitt's "recycled" European jurisprudence. Here, we are told, is a "meaningful answer," as opposed to the "increasingly bureaucratizing and homogenizing universality" of the Enlightenment. Identities are "fixed" (i.e., bad) when they are "bureaucratically ascribed," rather than "recapturing the creative constitutive

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moment" of the collectivity in the context of "new living conditions." Now, that sounds very good. And, we are assured, European "communities" are "too strong" to "passively submit" to any bureaucratically imposed European identity. Hence there is cause for optimism. But of what do these communities consist? Nationalities? Language groups? Geographic regions? — If they were really so strong, the answer would be self-evident. Just what and where are these "living communities able to resist bureaucratic definition"?

18. Well, they certainly aren't to be found in the US and the USSR, where the "massive interventionist state" has "corrupted" any living communities. Instead, they are in Europe, which thus has a chance of being truly federal and pluralist both culturally and politically, yet "reaping the benefits" of "a common market, unprecedented economic rationalization and decentralized management" — that is, they are part of the same multinational economic system which somehow, when given freedom to operate, is not supposed to endanger their cultural and political pluralism. Are there only "benefits" to be "reaped" from this economic system? (Benefits for whom?)

19. The final optimism of this essay is unwarranted on the basis of the argument it presents. The unproblematic reference to strong and living European "communities" is lovely rhetoric, but (like all living communities) they are racked with cultural dissention and rent with socio-economic divisions, so that if that great evil, the state, had not been intervening, they would have exploded long ago. A position of optimistic Schmittianism is an intellectual hybrid that does not read convincingly. It is conservative where it should be radical, affirmative where it should be critical.

Very best,

Susan Buck-Morss
Department of Government
Cornell University
Ithaca, NY

* * * * *

Dear Susan:

Thank you for your extensive comments, which touch upon a number of fundamental issues. You are obviously right in prefacing your letter with the observation that the apparent proximity of our arguments is "deceptive." Notwithstanding the fact that we shared some philosophical positions in the 1970s, agreement between us now may be limited to just that mutual acknowledgment. This is not due, however, to our position having become "conservative" and "affirmative," as you claim, but, as we will try to demonstrate, to your own

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position having become *conformist* concerning fundamental issues, *complacent* with respect to the philosophical and political heritage we share, and *uncritical* towards recent intellectual fads such as post-modernism. An extensive discussion of the points you raise is important, because it not only helps clarify what there is in Schmitt worth salvaging but, more importantly, the relation of the kind of reading of Schmitt we propose and the reconstitution of a Critical Theory free of the flat conformism of Habermas' communication theory and of Adorno's philosophical-political *cul de sac*. Your objections provide an almost ideal starting point, since they seem to embody the worst of both, uneasily combined with an implicit Marxism and an explicit post-modernism.

Demystifying Democracy

You begin by asserting that you want "to make empirical democracy live up to its concept." Sounds nice, and certainly very much in step with that predominant "bourgeois" ideology you otherwise pretend to oppose. But how does this square with your objection #12 to the effect that "the groundrules of idealism are philosophically false" (a statement otherwise meaningless, since all such stipulations cannot be either true or false)? And how does this square with Adorno's own critique of the administered society you apparently still find valid?

What is this "concept" of democracy? And what is idealism but the hypostatization of the concept over and above "empirical reality"? You can argue that empirical reality is reification in need of demystification, and that by "the concept" you do not mean the various arbitrary accounts of democracy as representative, participatory, democratic centralist, etc. but rather some Hegelian *Begriff* you may subsequently try to market as what Adorno "really meant." But that will not wash, since the Frankfurt School never bothered to develop anything close to a systematic political philosophy, and when, e.g., Horkheimer finally got around to discuss these matters — at a time when he was also warning about "the yellow peril" — he drove such a sharp wedge between freedom and equality that he turned any conventional notion of democracy into an oxymoron. This is why Habermas takes the easy way out, rejects Horkheimer's approach (for reasons having nothing to do with the fact that Horkheimer threw him out of the Frankfurt School in the late 1950s) and, having dumped all the Hegelian metaphysical baggage, lamely deduces it from a highly dubious communication theory. But you cannot possibly mean this either, since not only do you keep throwing around the noption of "class," implying that you still buy into the Marxist analysis, but in objection #14 you recycle the sort of *Ideologiekritik* that ends up dismissing this Habermasian aberration as an ideology of intellectuals or of the New Class (this is what Habermas' students are gradually rediscovering in their vindication of what they call, using the same mystificatory Habermasian terminology, "the expressive dimension").

So what is this mysterious "concept" of democracy which we should force empirical reality to live up to? It cannot be the kind of representative democracy that the whole Marxist tradition, from Engels to Herbert Aptheker, has always

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dismissed as an inextricable part of that bourgeois ideology meant to mistify real economic power relations, i.e., the political equivalent of the commodity form, or the logical extension of the Enlightenment's long discredited atomistic metaphysics. Even for Adorno, that concept of democracy succumbs all too easily to the manipulations of a culture industry inextricably embroiled in the "naturalization" of capitalist relations and the "normalization" of consciousness. According to his analysis, representative democracy as practiced today results in a predicament whereby the democratically elected political elites are separated from the polities which elect them by what you mystify as a "wild zone," but which cruder nuts-and-bolts versions of Marxism refer to as the "contradiction" that run-of-the-mill "class domination" generates by successfully displacing objective interests with a false consciousness functioning as a Trojan horse for capitalist interests. Surprisingly enough, Marx shares Schmitt's concept of democracy as *consensus*: they both emphasize, as its precondition, the *homogeneous* character of the polity which, for Marx and later Lenin, sets the stage for the dictatorship of the proletariat understood as the agency entrusted with bringing about a homogenized classless society. Adorno, of course, breaks radically both with Schmitt and the official Marxist tradition by rejecting this forced homogenization as the domination of the concept and that identity logic which seeks to redefine reality solely in terms of what the concept manages to successfully apprehend. Although his phobia for *Lebensphilosophie* prevented him from drawing the kind of logical conclusions that his analysis prefigured, the heterogeneity he defended — one that can be apprehended *sic et nunc* only through *mimesis* rather than identity logic, and articulated only as *life* rather than *technique* and manipulation — is incompatible with any version of representative democracy necessarily predicated on identity logic. Rather, it broaches on a mystical version of organicism much more problematic than the plain communitarianism our article on Schmitt's "Testament" sought to protect against New Class penetration, rationalization and, ultimately, disintegration.

Returning to your "concept" of democracy, it also cannot have anything to do with the kind of participatory democracy which used to paralyze the New Left in its earlier phases, and has been attacked *ad nauseam* as utterly impracticable in industrial or post-industrial societies. Actually, this version of democracy was always meant not only as a means for rational decision-making, but also as a pedagogical device to involve the polity directly in the process and thus avoid the sort of alienation typical of representative democracy. This is precisely the kind of democracy we would like to salvage and which we see as practicable only within "organic communities" able to resist New Class penetration and domination. You clearly do not mean this by your "concept," since it clashes both with the free-floating cosmopolitanism implicit in what you call "the modernist goal of a secular and just society," and, to the extent that it is rooted in concrete communities with objective inequalities and differences, with the abstract individualism presupposed by "the egalitarian ideal of political democracy." Participatory democracy neither can nor does it seek to force the *secular* metaphysics

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of intellectuals (which, as your post-modernist colleagues never cease to emphasize, on closer examination turns out to be as arbitrary and ungrounded as the most mystical of religions) on polities which are always constituted by real people, with all their "superstitions," "biases," religious beliefs, etc., because this would contradict its most fundamental assumption of self-determination. We know all too well what happens when intellectuals like Lenin uncritically assume that they, and they alone, have a privileged access to truth. Similarly, within the context of participatory democracy, it makes no sense to talk about "the egalitarian ideals of political democracy," since they are themselves constantly up for potential revision and ratification by a polity which also defines what they ought to be.

Lastly, you cannot possibly mean by your "concept" anything resembling "democratic centralism," although the way you refer to egalitarian ideals, secularism and justice, combined with the Marxist class-analysis and the anti-imperialism also implicit in your account, comes dangerously close to a standard Leninism, fashionably updated to fit in with any number of post-modernist "discourses." So what is this "concept" that "empirical democracy" should live up to? If we are to understand it in the Blochian-Hegelian tradition, it includes the dimension of the "*noch nicht*" which, as such, can neither be exhaustively defined (since the longing for freedom, equality and justice remain an inextricable part of a preconceptual horizon expressible, at best, only indirectly through art), nor identified with any particular *factum*, whose finitude would necessarily reduce democracy to merely another *empirical* given, limited by the socio-historical contingencies within which it obtains. This is why we sought to limit our radical version of democracy to units (organic communities or autonomous regions) small enough to permit real people, with all their faults and alleged "misconceptions," to have some direct input into decisions affecting their lives, rather than simply choosing among pre-set choices, determined by experts and professionals who allegedly "know better," but hardly ever fully represent their particular interests.

Such a communitarian framework is not a utopian dream presupposing the automatic solution to all problems. All communities are always conflict-ridden and, consequently, also dynamic in the sense that, paradoxically, stability is something very precarious and has to be constantly re-established. The point, however, is that human beings are always redefined by the relations into which they enter or are forced. They ultimately derive their particular identities from their embeddedness in these particular communities. In the present context of a myriad of cultures united primarily by the commodity form and the predominant shifting legality, they can function as concrete individuals only in relation to their particular identity-bestowing contexts. This is what the advocates of multi-culturalism keep reiterating and, in the process, overextending beyond its possible range of application. What they tend to forget is that all these particularistic cultures must somehow coexist within a *public* domain whose character must necessarily be *universal*. The trick is to balance the particularism of the various cultures with the universalism of the

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whole. Here is where federalism comes in and, along with it, Schmitt. To attack "Eurocentric *hubris*" here betrays an ignorance of the universalism presupposed by the very concept of "Europe": legality and scientificity. Conversely, to reduce this universalism to its mundane pseudo-universal manifestation rules out the possibility of any meaningful national and international order other than as a permanently unstable *bellum omnium contra omnes* ruled only by sheer power: from Socrates we would regress to Thrasymachus.

Real Democracy within Real Communities

You proceed to question whether Schmitt's appeal to a pre-modern tradition of European jurisprudence can be of any help here: in fact, you claim that it is Eurocentric *hubris* even to suggest that any such entity can provide a formal framework for national or international order. You prefer, instead, Benjamin's *Ur-formen* and Foucault's "archeologies." But where do these *Ur-formen* of modernity and post-modernity come from? Is there a connection between earlier and later forms of thought? Without reiterating and generalizing Schmitt's claim that "all precise concepts of the modern theory of the state are secularized theological concepts," it should by now be fairly clear to anyone familiar with at least some of the historical literature that there is a direct continuity between pre-modern, modern and post-modern forms. This does not necessarily imply a Christian or Enlightenment idea of progress, as you assert, but only a changing configuration of answers provided at any given time and subsequently exhausted as a result of their impact following their deployment. Predicated on contradictory values such as freedom, equality and subjectivity, the Western project can never become objectified into one definitive set of social institutions: any particular resolution will always necessarily involve overemphasizing one value at the expense of another, thus generating the conditions for a new conflictuality resolvable only by reaching another new, but once again one-sided, resolution. This compares rather favorably with mystifications such as Benjamin's *Ur-formen,* which are as clear as the inner logic of the Trinity, or Foucault's "archeologies" — a fashionable French recycling of the Frankfurt School's micrology, presupposing all the methodological aporias of the latter but unmitigated by the philosophical modesty that forced Adorno to junk the pretenses of sociology in favor of art.

Notwithstanding all their shortcomings and mystifications, Adorno's micrology, Benjamin's *Ur-formen* and Foucault's archeologies (or, for that matter, Heidegger's appeal to *Being*) all share a concern with recapturing an essential dimension of life which has somehow become occluded by modernity (or what we used to call capitalist reification). This is the same impulse that led us to suggest resurrecting a practically defunct European jurisprudence as a framework developed over centuries on the ruins of natural law and, more specifically, Roman law — a monumental achievement meant to reconcile the irreducible particularity of a myriad of cultures with the universal requirements of the Roman Empire. What is most valuable in this heritage — the original

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prototype for federalism — is not just the successful reconciliation of the whole and the parts, but the safeguarding of the *autonomy* of the composing tribes and communities: a cultural autonomy able to translate itself into social and political forms continuous with living traditions and, *ipso facto*, with real people in concrete historical settings. After all, this was also Hannah Arendt's main point about democracy: it is feasible only as face-to-face interaction — the kind practiced within a living communitarian context. The whole point of recycling European jurisprudence and the original American federalist model is to spell out the political conditions necessary to allow, in the 21st century, a real democracy able to resist capitalist manipulation and New Class domination, both of which are primarily responsible for the present state of social disintegration.

The "International Generation" and its Discontents

Dissatisfied with our Eurocentrism, which you present as a terminally conservative disease — a kind of intellectual colonialism — you suggest we should stop recycling old slogans as answers to present problems, give up any illusions about "progress," and stop pretending to speak from the viewpoint of "We Americans." But we never meant to give the impression that Schmitt could solve all problems, that European federalism was anything more than a promising approach to deal with problems which have been around since at least the collapse of the Roman Empire, or to speak from the viewpoint of anyone but ourselves. This "we," however, cannot possibly refer to any academic jet-set — what you call "the international generation" — but to ourselves as particular thinkers who, to use Husserl's terminology, try to speak as "the functionaries of humanity" when we deal with philosophy and related issues. How is that for applied pomposity?

If we rethematize the relation between universality and particularity beyond a post-modern relativism which makes sense only within an assumed modernism, then we cannot identify ourselves with any particular aggregation greater than the monad because this would be susceptible to the kind of critique Marx made of "people" in his *Contribution to the Critique of Political Economy*. Since any greater aggregation necessarily occludes internal divisions, differences and conflicts, it usually turns out to be an ideological mystification legitimating claims made by the broader theoretical framework within which it occurs. Thus even infelicitous aggregations such as "the international generation" will not withstand close scrutiny: witness the immense gap separating our respective positions — assuming we can all be reduced to members of a particular generation. But, as Giordano Bruno pointed out long before Leibnitz, the monad is real only if it successfully encapsulates the totality and consequently gains access to universality. At any rate, the very deployment of theory embroils discourse in a universality whose opposite is pseudo-universality rather than that particularity which actually constitutes its embodied otherness. Bottom line: it is legitimate to speak as individuals from the viewpoint of universality, although, as the pragmatists never tired of reiterating, this universality has a

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strange tendency to degenerate into an illegitimately hypostatized particularity meant to provide one-sided mediations adequate to specific situations.

The fact that, in the last decade of the 20th century, it is necessary to argue for the very possibility of theoretical discourse is indicative of the extent to which post-modernism has managed to cretinize thinking. It is also evidence that most of our jet-setting "international generation" now has trouble figuring out which time zone it happens to be in. The rediscovery of such 19th century concepts as "civil society" as a conformist means to rejoin "the establishment" by recycling liberalism under the pretext of opposing totalitarianism, the turning of phenomenological insights into the opportunism of deconstruction, the flattening of Critical Theory into a kind of English analytic philosophy with a German accent, the refeudalization of Left politics into Affirmative Action for upwardly mobile minority subgroups at the expense of minorities as such, all testify to the collapse of that radical imagination which in the 1960s sought to prefigure a new and more just society free of exploitation, suffering and greed. Our defense of *a particular minimalist type* of federalist model sensitive to communitarian imperatives is an attempt to develop what you call "a more positive alternative position," but it does not represent "a move away from the sheer critical iconoclasm of earlier arguments of 'artificial negativity' toward a more positive alternative position." On the contrary, it is an extension of the logic of artificial negativity. After all, the collapse of "really existing socialism" and the intensifying crisis of the Welfare State testify to the accuracy of this analysis which, contrary to Max Weber and a generally Panglossian social science establishment, outlined in the mid-1970s, well before the so-called "Reagan revolution," the inevitable collapse of bureaucratic centralism and the growing irrationality of bureaucratic rationalization *anywhere* — even in cases where, in order to generate the regulatory negativity desperately needed to guarantee profitability and growth, a previously vanquished opposition was artificially reconstituted and federally funded.

But what happens when there is hardly any possibility for any kind of qualitative change? What happens when there is a realization that the very conditions necessary to even envision qualitative change, e.g., individuality, family structure or self-regulation, have been eroded? At that point, the only viable way to remain true to the original project is to seek to prevent the further disintegration of these conditions and to devise strategies conducive to the relaunching of a truly emancipatory project. Today, however, even such minimalist claims are suspect. They appear as agents of a so-called "master discourse" whose very nature is domination. But any such post-modernist position can only pretend to be political by default, in the sense that, by incapacitating *any* political project whatsoever, it implicitly acquiesces to whatever political relations of domination happen to obtain at any given time. Its abstract negations end up constantly checkmated by the inability to project anything at all without at the same time reopening the door to the very same domination that allegedly is to be eliminated. This is the *Social Text* version of *Aut Aut*'s

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"*pensiero debole*" — a poor carbon copy of French Heideggerianism and deconstruction. It all goes to show how the Xerox Corporation and its Japanese clones have significantly contributed to the intellectual disintegration of an academicized Left.

At any rate, far from constituting a conservative involution, our article on Schmitt's "Testament" is an effort to salvage whatever possible from the communitarian spirit of 1968 by deploying the remnants of European jurisprudence in the projection of a European federalism, modeled after the original American version, to be subsequently reimported as a corrective to the statist travesty that today goes under the name of "federalism" in the US. The localistic emphasis is meant specifically to guarantee constitutionally an autonomy conducive to a communitarianism impervious to legalitarian penetrations which, under the pretense of extending arbitrarily drawn "universal rights" to housing, employment, minimum standards of living, NFL Football, etc., actually destroy that traditional fabric which holds communities together. Of course, we only managed to provide a vague profile of what such a project may look like, without indulging in any of the myriads of specific problems that the dismantling of the present statist apparatus is likely to create (and here we are talking about Western Europe and the US, rather than the USSR and Eastern Europe, where statism and New Class domination have been much stronger and, consequently, immensely more devastating).

Countersniping

Having sketched an alternative reading of Schmitt's "Testament," free from post-modern encrustations, it is now possible to respond to your 19 points.

#1 and #2) You object to what you see as a developmental, gradualist reconstruction. But any reconstruction has a normative agenda and, consequently, provides projections. These may be convincing or unconvincing, but not invalid "as a result of the language of gradualism and continuous development." Reconstructions must provide for continuous development, even if not necessarily gradual. At any rate, our reconstruction of the history of European jurisprudence is hardly gradualist or even teleological. It is discontinuous and regulative.

#3) You question the inevitable domination of transnational capital in Europe and whether the conflict between transnational capital and the state will take place around a unifying center. We maintain that this unifying center will be based on European jurisprudence, which you dismiss as merely another secularized particularistic religion. Do you seriously believe that "socialism" *in any version whatsoever* will constitute a viable challenge to capitalism in the foreseeable future? The only successful socialist parties in Europe, the French and the Italian, thrive only because they have become even more aggressively "entrepreneurial" than the parties traditionally associated with capital. In the few cases, such as the SPD in Germany and the Labour Party in England, where collectivist sentiments still manage to surface from time to

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time, the result has been and will continue to be an abysmal electoral performance. You hint that capitalism may become regionalized by, e.g., bush-league dictators like Saddam Hussein, deploying an alternative religion, Islam, as a basis of legitimacy for an alternative organizing center eventually able to challenge capitalist hegemony. This is crypto-Marxist, post-modern lunacy. First of all, there is no alternative pre-capitalist, post-capitalist or anti-capitalist strategy here. It simply has to do with an effort to control the price of oil within a capitalist world-market. (To whom is Saddam going to sell at near-monopoly prices the oil he plans to steal from Kuwait?) Secondly, any notion of a unified Islam is another pipedream: after all, the Saudis, the Kuwaitis, the Egyptians, the Syrians and whatever other Arab countries have paid lip service to the "international" effort to stop Saddam are also Arabs. Petro-dollars, whether Saudi, Iraqi or Iranian, can only circulate in a *Western* world market regulated by international laws based on European jurisprudence. As far as can be ascertained, there is as yet no international cadi banking system, nor are there any cadi computers, any cadi physics or technology. If the *chador* has yet to give way to the miniskirt the way the camel has given way to the Mercedes-Benz, that is only due to the Arabs ability thus far to safeguard the integrity of their "organic community" against the invasion of the commodity form. Paradoxically enough, the particularism of these societies in the long run will not be safeguarded by any alternative *regional* jurisprudence successfully secularizing Islam, but by the universalism of a European jurisprudence generalized to a truly international version of the *jus publicum Europaeum*. Like all other "organic communities," Islamic societies will inevitably change. The only question is whether they will do so in terms of their own logic of integration with other cultures, or whether it will simply be a matter of buying into the Western culture industry. *Tertium non datur*. There is absolutely no chance that Islam can be secularized *structurally* along any path other than the European.

#4 and #5) Although you seem to share our reservations concerning the standard liberal-Left dismissal of Schmitt, you still insist that Schmitt's political mistakes are in some way a consequence of his political philosophy. Here you not only collapse Schmitt's, Savigny's and Heidegger's positions, but cite Adorno's account (presumably in *The Jargon of Authenticity*) as a paradigm of what an "immanent critique" should be. You cannot be serious! Of all the many interesting things Adorno wrote, *The Jargon of Authenticity* is not one of them; nor is *Metakritik der Erkenntnistheorie*. Adorno's critique of Husserl's early works as another expression of the predominant positivism is simply beside the point and irrelevant, while his critique of Heidegger is either superficial or, when it deals with foundations, altogether wrong. His philosophy cannot avoid going through the nihilistic realization that there is nothing *necessary* about the Western project, notwithstanding the fact that it does manage to attain universality. His identification of anything having to do with "communities" or "life" or, more generally, "the preconceptual" with Nazism and irrationalism prevented him from developing his philosophy in the direction in

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which it logically led. Instead, he ended up shortcircuiting it with aberrations such as the negative dialectic. When he could not bear dwelling in that dimension phenomenologically prior to the conceptual (that meaningless "sense certainty" of Hegel whose "nothingness," however, turned out to be eventually constitutive of the concept), he sought solace in art, whose universality he saw as insurance against the dangers of obscurantism.

As for the "probable" Nazi outcome of Schmitt's position, you do not even try to provide an argument beyond referring to Adorno's questionable critique. The point, however, is that *no* theoretical position is automatically safe from irrational involutions. One has only to review the various accounts of the philosophical origins of Nazism by, e.g., Popper, Cassirer, Adorno, Arendt, *et al.*, to readily realize how easy it is to blame one's opponents for Nazism, fascism, or "totalitarianism." The post-modern lesson is that, given the necessarily incomplete and/or amorphous character of theory, no particular position is automatically immune from the sirens of irrationalism. Thus it is not too fruitful to try to establish a *necessary* continuity between politics and philosophy other than as an effort to discredit one's opponents or to reconstruct some particular way in which a given philosophy has been linked to a given political program.

#6) Here you reintroduce the "wild zone of power" as if it were the equivalent of Schmitt's "super-legality." But unless this "wild zone" is something radically different from what you have described, this equivalence is based on misunderstandings. We have already carefully reconstructed what Schmitt meant by "super-legality," as well as the political implications we draw from it, in a letter to Wolf Heydebrand. As for the "wild zone," after careful consideration we can only conclude that it is nothing more than a methodogenic construct, i.e., a conceptual epicycle necessitated by the attempt to use an unacknowledged inductivist methodology to reduce general concepts such as collectively binding political decisions to the aggregation of the particular political agents affected by them. In other words, it comes across as a fancy name for the gap that inevitably develops between individual consciousness and collectively-binding decisions. There is nothing "wild" here: it is merely another version of the old philosophical problem of the one and the many. You cannot solve it owing to your unthematized and simplistic notion of democracy as a mechanical aggregation of its constituting parts. Within such a framework, the gap that inevitably develops between the two can only be filled by what you consider an arbitrary deployment of power which, to the extent that it must remain grounded in particular individuals, can never be binding on those not in agreement with the collective decision, i.e., it is only legitimate if the *collective* path of action happens to correspond to the *individual*'s own decision.

Schmitt tries to deal with this problem by deploying a plebiscitary concept of democracy, which cures the disease by killing the patient. In his account, there cannot be any gaps between the individual consciousness and the collective decision, but this is possible only because he presupposes a chimerical homogeneity of the polity as a condition for democracy. Our own account

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tries to deal with this problem not by substituting, as liberals normally do, a representative alternative which usually deteriorates into domination and manipulation, but by advocating the federalization of the political system down to units small enough to allow for participatory democracy ("the organic community," which can be as small as a neighborhood, but which can be gradually aggregated with other similar units into ever greater jurisdictions). This path is obviously fraught with problems, but nothing that in principle could not eventually be worked out. In your account, however, the "wild zone" becomes a metaphysical puzzle *irresolvable in principle*, and generating anarchy (understood not as the vindication of human freedom, but as arbitrariness and chaos) whenever decisions are taken which are not unanimous. Thus, as in any "wild zone," the territory is infested with authoritarian beasts ready to ratify the law of the jungle whenever the established order breaks down.

#7) Here you miss the point altogether since, as discussed in our letter to Wolf Heydebrand, when we talk about a "threatened social identity" in need of protection through the redeployment of European jurisprudence, whether it did or did not mean "tradition-legitimated class order" for Schmitt, certainly does not mean that for us. Rather, it has to do with the "motorization" of legislation and the resulting delegitimation of law as something to be respected because it is "right" instead of being either a matter of expediency or something to be respected when and if it happens to coincide with one's particular normative code. Ironically, to throw in "class" here backfires, since it leads you not to an increased awareness of the subtle workings of dominaton within a political process that presents itself as neutral, but to the legitimation of such a process as "democratic" — in contraposition to Schmitt's alleged defense of aristocratic privilege, which is certainly not the most burning political concern today! This is another instance of the involution of radical thought, typical of "civil society" ideologists, when attention shifts from tackling the problems of the future to defending the achievements of the present against imaginary "totalitarian" or "traditional" threats.

#8) Here again you not only object to the universality of "European science" on the ground that it is merely "European," but also to our linking of Husserl and Schmitt because of their allegedly different relations to the Enlightenment, Schmitt's critique of modernity, and his opposition to "the whole idea of mass democracy." A reexamination of Husserl, uncontaminated by Adorno's misreadings, might have dispelled this misconception. For the Husserl of *The Crisis*, the Enlightenment and modernity are prototypical expressions of the very same crisis whose origins Schmitt locates in the deployment of positive law and codification. What is modernity's claim to self-sufficiency and self-grounding but a refusal to acknowledge its roots in a Western culture which began long before the 18th century? And what about the Enlightenment's consigning to the junk-heap of history all traditions and customs as superstition and myth? No: Husserl's *Crisis* is not an uncritical continuation of the Enlightenment, but its own self-critique — a self-critique much deeper

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than Adorno carried out in *Dialectic of Enlightenment*, where the realization of the Enlightenment's reversal into myth stops short of identifying the causes of the involution with the occlusion of the original guiding *telos*. Instead, Adorno falls into Heidegger's trap by ontologizing theory as terminally infected by the virus of identity logic, reduces philosophy to the technology of *Negative Dialectics* and, in a manner reminiscent of Heidegger's self-cretinization into "the idiocy of rural life" in the Black Forest, entrusts truth to the hallucinations of the drugged-out artists of high modernity or the nitpicking of a few academic philosophers. The Enlightenment's pseudo-universality remains vulnerable to the corrosive relativistic criticism of the post-modernists as long as it is not grounded in the particularisic Western project to achieve universality: the *telos* of European science.

The same considerations apply to Schmitt's dismissal of "the whole idea of mass democracy" which, unlike your "bourgeois" reading of it as an *aristocratic hubris* with respect to the rising bourgeoisie, can be read, from the viewpoint of either his plebiscitary democracy or our participatory version, as predicated on the fact that *mass* democracy is not sufficiently democratic. In reducing the political process to the debating exercises of parliamentarism, the logic of economic interests gradually displaces politics, law becomes increasingly functionalized and, far from becoming the historical subjects, the masses degenerate into either the historical sludge of traditional conservatives or the manipulable abstract proletarians of the Bolsheviks. Real democracy is more likely to obtain within "organic communities," where direct political participation is not technically ruled out by sheer size and autonomy is guaranteed by a minimalist federal system constitutionally prevented from imposing New Class agendas based on pseudo-universalistic pretenses (pseudo-universal precisely because they conceal particularistic New Class interests). Our article confronts head-on Schmitt's critiques of modernity and democracy, not by contraposing to them lame ideological alternatives we rejected years ago as "bourgeois," one-sided and otherwise fraudulent, but by radicalizing them in terms of 21st century problems unencumbered by your obsessions with Schmitt's alleged longing for a pre-modern restoration.

#9) Here post-modernism takes over altogether, and your critique becomes increasingly weak. You object to a) our claim that rationality and order are universal metaprinciples (which, instead, you downgrade to part of a Eurocentric ideology); and b) that this Eurocentric ideology is compatible with — God forbid! — nothing less than George Bush's Middle East Policy. As for the first objection, we can only ask in return to be shown a culture lacking some particular form of either order or rationality, and we will show you a dead culture or a culture that never was. We can quibble about what exactly we may mean by rationality and order, in the same way we may quibble about the exact composition of the air we breath, but it would be unadvisable to contemplate not breathing. To argue otherwise, you cannot simply throw around post-modernist shibboleths, but must show how at least *one* culture, to play

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Popper's falsification game, does in fact function without the regulatory metaprinciples of rationality and order.

Even more problematic is your horror at the potential compatibility of our position with that of George Bush who, after all, according to your conformist notion of democracy, legitimately represents the American polity. The assumption seems to be that Saddam's actions are automatically self-validating because they are consistent with an alternate cultural code and, furthermore, Western imperialists such as Bush have no right to interfere with such actions. Aside from the fact that Saddam cannot possibly be cast as the defender of a victimized Islamic culture acting in accord with its different normative imperatives (since almost all the rest of the Islamic countries are ready to go to war against him), you imply that, somehow, in this chimerical post-modern world of radical cultural differences, the West (or just the US) should abide by its own ideals of equality and justice by not interfering. But if the Western concepts of justice and equality have no universality and there are no other equivalent applicable concepts, why should the US not go in and throw Saddam out of Kuwait if either its hegemony is threatened or Iraqi control of a significant part of the world oil supply means a rise in price that may destabilize the world economy? In fact, on what basis can anyone put forth any critique whatsoever of international policies if all normative and legal concepts are culture-specific and not generalizable to broader contexts?

#10 and #11) You read our criticism of codification and representation as a dismissal of all formal political structures and counter with a defense of their democratic and universal character. But our targets are the unaccountable bureaucratic structures that develop with representative democracy and eventually result in mediatization, i.e., functionaries' ability to constitute their own legitimating constituency. In what Tim Luke calls "televisual democracies" elected representatives tend to become unaccountable to a polity they successfully manipulate. Thus they are no different than autonomous bureaucracies driven by internal imperatives rather than external goals determined by the political process. Once again, your effort to discredit Schmitt leads you to defend early 19th century bourgeois universalism against "the aristocratic feudal order." But is it really necessary to keep taking swipes at these political windmills in the age of nuclear reactors?

#12) Here it does not seem that you understood either our usage of Horkheimer's notion of "subjective reason" or his own account. We are referring to that Enlightenment reason which all too quickly turned into terror and which Kant dismissed in the *Critique of Pure Reason* as arbitrary and ungrounded. That reason, which is what grounds codification, *is* the opportunistic mechanical calculus predicated on the needs of the moment that ultimately resulted in the functionalization of the law.

The Frankfurt School's critique of "subjective reason" is not based on anything as incoherent as the claim that "the philosophical groundrules of idealism are philosophically false." Such a statement is sufficient to warrant excommunication

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from the post-modern congregation. It is a category mistake even the philosophically unsophisticated Horkheimer would never have made. His critique of "subjective reason" had to do, first and foremost, with the one-sidedness of positivism and pragmatism. Although any discussion of "materialism" or "idealism" today is bound to be hopelessly scholastic, if one had to locate the Frankfurt School within the traditionally wooden categories of materialism, idealism or realism, it could only be idealism.

#13) Your critique becomes even more problematic here with the claim that "the radical equality of human beings *by nature* (and not only before the law) that characterizes the modern concept of democracy . . . is what has had a universal appeal to all cultures in the modern world." You cannot be serious! Human beings are not equal by *nature* — biologically, physiologically, mentally or otherwise. The only possible equality is *formal* equality before the law. No modern concept of democracy makes such a claim, and there is no evidence that such an outrageous claim has universal appeal. Only by confusing consumerism with democracy, as most "civil society" ideologists do, is it possible to see the East European events (not "revolutions," since the old regimes were not overthrown but simply collapsed after Gorbachev pulled the rug from under them) as the triumph of Western-style democracy. As Aviezer Tucker's critique of Havel in *Telos* 85 makes clear, along with the dismal defeat of Mazowiecki, not to mention the popularity of Walesa, Havel and other leading populist political figures in Eastern Europe, Western democracy faces almost insurmountable obstacles not only there but everywhere. If you recall your original Marxism, the problem is not that Europe did not live up to "its own radical concept of democracy," but that the original concept turned out to be primarily bourgeois ideology and its radical alternative something even worse: the Leninist travesty. Oxymorons such as those advocated by "civil society" ideologists on the basis of "social movements" and the orderly articulation of common interests only work in American and English Sociology Departments. The fact of the matter is that, fudge as we may, we do not have a viable concept of democracy other than the participatory one which, at best, can only work in "organic communities" within the federal model we outlined.

#14-#19) These points have already been dealt with. The only thing that needs to be reiterated is the optimism with which we ended our article. Notwithstanding the looming recession and the likelihood of war in the Middle East, never before in this century have prospects for the future been brighter. The collapse of bureaucratic collectivist regimes and the consequent end of the Cold War not only mean the dawn of a new international order and lasting world peace, but pave the way for a long-overdue rationalization of domestic US policies no longer distorted by a permanent war economy. The only ones seemingly unaware of this new state of affairs are mostly the members of your so-called "international generation" entrenched in the academies and engaged in a futile rear-guard action to prove either that nothing has actually changed and "real socialism" remains the wave of the future, or

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that everything has changed in a post-modern universe where the delegitimation of all rules out the very possibility of consensus thus leaving a decentered world exactly as it was: at the whims of the powers that be. What mitigates the potential damage that could be inflicted by the unprecedented philosophical confusion of our so-called "international generation" is its political irrelevance. Safely packed away under academic naphthalene, its endless debates about multi-culturalism and post-modernism no longer even dent the by-now terminally jaded consciousness of the new generation of students. So Europe may have a bright future, along with the rest of the world.

Best Regards,

Paul Piccone and Gary Ulmen

* * * * *

Dear Paul and Gary:

What is really salvageable from the kind of analysis Schmitt develops in his lecture? You have extended that analysis to the economic and political preconditions for European unification. Western political theory has often confronted the ambiguities of modernization, the nation state, and the triumph of rational decision-making in politics. This problem situation is very clear in Schmitt's "The Plight of European Jurisprudence." Perhaps the conservatism of Schmitt's project concerns the possibility that in all these changes of modernism there is a supra-individual destiny striving for European unity. Of course, this hope echoed, in the opinion of some, the fascist doctrine of unification by force in the name of racial homogeneity, but obviously that is not the issue at present.

Your introduction begins by contraposing Europeanism against two forms of universality, which you later criticize as pseudo-universalities. First, there is American imperialism, which you date from the days of Wilsonianism. Second, there is Leninism and socialist planning. This distinction provides a very plausible narrative of the post-War period. Perhaps the appeal of Leninism would have to be more fully characterized as having its nationalist and anti-imperialist aspects, which on the whole were more powerful than the vanguard party notion in the post-War period. But there is some truth to these alternatives as exhausting the framework within which political action could seem meaningful and pertinent. Specifically, you discuss how these concepts of universalization changed the meaning of war and made it possible, retrospectively in the case of WWII, to distinguish between just and unjust wars. Both the Soviet Union and the United States developed, during the Cold War, moral justifications of state violence based on each other's claim to embody such a universal project.

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You start the narrative at the point where the "weakness of will" of both projects of universalization prior to WWII, as manifested in American isolationism and Stalinism, facilitates the rise of fascism. This battle for supremacy over European teleology is thus not resolved by WWII, which can be seen as a temporary regression to a pre-modern project of unification, but returns explicitly during the Cold War. Today you defend the possibility of European unity as a "third way" between these two universalist projects. The possibility of a loose European federalism would provide the alternative to, on the one hand, the wholly discredited project of socialism and, on the other hand, the collapsing American version of *laissez faire* corporatism.

Though this broad, sweeping account of the post-War period, like any narrative, becomes a bit strained, the basic point of the introduction comes when you claim that European unification marks the collapse of all forms of "massive regulatory state administrations." This difference is that European unity will not be social-democratic but some new form of "decentralized federalism." In other words, what has made the Cold War clash of projects actually a clash of pseudo-universalities is that massive state administration proved to be the shared Achilles heel of American corporatism and Soviet central planning. Though this account is plausible, it should be stressed that it fails to explain the rise of highly successful state-command models of economic development in both Asia and Europe. These are serious anomalies in your picture that internal crises in "massive state regulatory administrations" are inescapable. In the case of European unification, it might be argued that such a success of a highly regulated state economy, namely the West German, has made the project of unification possible.

But "decentralized federalism," whether or not this position is found in Schmitt, is not treated as unproblematic. Specifically you hold that such a new federalism will create "nationalist/ethnic/racial conflicts resulting from the increasing heterogeneous demographic composition." On the positive side, you promise that a new European federalism will be able to displace the accumulated evils of rampant Fordism; namely, environmental degradation, plastic life style, and manipulation of public opinion. Also you claim that in a system of autonomous decentralized units no sharp separation exists between management and labor, and greater product diversity will result. Much of this account sounds like providing the "good stuff" of socialism without the "bad stuff" of management-driven development. But I have a greater concern with the fact that the your version of a post-Cold War political structure is based on seeing this transformation as not due to some moral *prise de conscience* but simply because of efforts to maintain profitability. Thus in your view the obsolescence of centralized planning is wholly a matter of hidden-hand economic factors. It is a characteristic of this introduction, and something that Schmitt appeals to in its non-economic form, that you distrust political decisions and appeal to unseen, hidden-hand mechanisms. The narrative is meant to culminate in a "good federalism," but the hidden-hand mechanism is not a Schmittian axiology but

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old-fashioned economic forces and necessities. I am not arguing for the retention of moral motivations when I point out that it is notoriously difficult to reconcile these kind of analyses of social change through anonymous forces with some sense of political action or motivation. In fact, this kind of tension relates your analysis to the project of traditional Marxism, which also tried to fit together historical necessities and the requirement for political action.

A second important point of the article comes in the critical discussion of Left egalitarianism. The problem you raise is that egalitarianism, which has been the main thrust of socialist ideology, contributed to and encouraged the increasing homogeneity of social life and thus the deterioration of the very preconditions needed for effective economic and cultural development. Here you have taken over Schmitt's reaction against both socialism and liberalism. I think it is entirely correct to point to the inherent failure of centralized planning, both because it falls prey to the rise of a managerial class and because it requires a homogeneous and interchangeable social structure. Any hint of unplanned diversity or uneven heterogeneity will be the inevitable excuse for further and more controlled planning and exculpate any failures of planning in advance. I would simply add that these conditions of unplanned diversity are inherent in social life and are not simply preconditions for effective economic productivity. Thus the effort to exclude the unintended consequences of social action, so as to increase the control over planning, is inherently self-destructive. Such consequences are a fact of human behavior and the effort to increase control only generates a greater degree of unplanned heterogeneity in the managed population. The totally administered society is a myth of the post-WWII period. Thus planning and enforced homogeneity go hand in hand and, with these efforts, also economic and cultural stagnation. The working out of this crippling cycle is all too obvious in both Eastern Europe and the Soviet Union.

The most important question, however, given this analysis, is whether European federalism will be able to steer between American federalism, in which the state manages for the advantage of large capital, and degenerate socialist planning, in which the state manages through ersatz moral imperatives and for inefficient small-scale economies. You suggest that American federalism failed because the states were not, at least after the Civil War, strong enough. Though this argument was a notorious slogan of the anti-liberal right in the 1950s, the logic of your position is as follows. A federal economy can only resist the evils of planning in both the corporatist and socialist forms through the strength, independence, and viability of each unit. To the extent that the federated units loose their independence, the whole structure degenerates into corporatism or socialist planning. But here the analysis begins to show some strains. First, there are the obvious exceptions to this model in Japan and West Germany. Second, the units of these federated entities are arbitrary. Apparently in the European system it will simply be based on historical and linguistic distinctions. But in the American situation, with a mobile and linguistically unified population (tendencies accelerated by media, mass marketing and transportation systems), such

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divisions are at best archaic and at worst repressive. Also, it is not clear that if the central state in the US had come out of the Civil War considerably weakened and discredited that it would not have meant the end of any federation at all and thus simply a greater similarity in development of North and South. The decentralized federalism of Europe begins to seem more a utopian vision especially when you describe it as "A unified Europe, i.e. a community of regional entities so culturally heterogeneous and fiercely autonomous as to render impossible any debilitating statist involution such as the one brought about by the New Deal."

The Schmittian moment in your version of statist failure occurs when you hold that; "The *sine qua non conditio* of vibrant federalism, however, necessitates an equally strong unifying center predicated on a jurisprudence able to regulate and adjudicate among its inevitably conflicting components . . . a constitutional framework even stronger than the American." The traditional Left attack on the New Deal is that it is a cleverly engineered capitalist appropriation of the incipient labor-based social revolution. Marx added this kind of epicycle in his account of the 18th Brumaire coup, when he described the ruling class as losing power only so that it can win and consolidate power. This complex conspiratorial explanation remained the Left-wing account of the New Deal, the rise of monopoly capital, and defense of constitutional rights. But you buy neither this Marxist destiny nor the Schmittian belief in Western purpose. Rather, you see a purely productive necessity involved in the need to maintain heterogeneity and thus constitutional protections. your point is that the central way to ensure the precondition of unmanaged human resources in a social structure is through constitutional law. But this project does not need for its defense some deep teleology of Western culture; it follows from the logic of productive growth alone. Again, I would point to your failure to reconcile this quite realistic appeal to economic necessities, in place of Schmittian cultural chauvinism, with any agenda of political activity, aside from the "old saw" about lessening the birth pangs of that which is already being born.

You claim Schmitt is important because his constitutionalism is opposed to the instrumentalization and "total functionalization" of law. This is the only vestige of traditional leftist criticism in your analysis. For those who believed in historical laws and a science of history, just as those who are realists about science in general, instrumentalist positions, which emphasize the operational meaning of concepts, is always a poor compromise. The tradition of Critical Theory, which remained antagonistic to the idea of a science of history, did however accept a similar narrative in which nature and society get rationalized by the rise of instrumental reason or means-ends rationality. This "ruse of reason" is then used by Critical Theory in much the same way as Marx used his concept of historical laws. I have argued elsewhere that this thesis of Critical Theory is historically and theoretically misguided. In fact I think it gets the problem of functionalism totally backwards. The danger of functionalism comes not from the social "engineer" but from the utopian engineer.

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That is, the problem resides not in some purely operational or utilitarian social planning project, since such strategies are highly sensitive to failure and feedback. What is devastating to social structures is engineering in which the consequences of its application are forever deferred or beyond challenge and criticism. Thus instrumentalism about law can mean two things. First, a healthy and protective skepticism about the stability and soundness of law, which would be continually tested against its actual function and utility in the given society. Second, that the law will always serve and be tortured to fit some large-scale, massive social transformation. It is only the second I find disturbing.

You conclude that because Schmitt is on the "right" side against instrumentalism in modern social theory, he may be the best weapon against the post-modernist craze. Post-modernism is defined as a nihilist project in which all positions are levelled and accepted as equal; since no argument is any better than any other, the way is paved for the rise of racism and regressive nationalism. Of course it should be an intellectual human right to define this position any way one wants. My point is not to quibble about that, but to raise doubts whether Schmitt provides any good response to this modern Nietzscheanism.

Of course, there is a possible point here, since one good response to post-modernism is to preserve the authority of tradition. This classic conservative project can certainly be found in Schmitt's critical attitude toward modernization and liberalism. But the authority of tradition very quickly degenerates into an irrationalism of its own. Tradition gains its authority from nothing more than its existence as a tradition. Though the position could be said to describe why traditions have authority, in a kind of Darwinian picture of cultural selection, that argument in no way *justifies* this authority. If there is a reply to the nihilist brand of post-modernism, it will have to meet the post-modern objection that there can be no universal, evaluative justifications, or, as Lyotard formulates the issue in *The Postmodern Condition*, there can be no "meta-narratives."

The article does attempt a philosophical foray into these issues with its discussion of Husserl. My criticism here is not with the effort to provide such a philosophical defense of the above positions, but with the unnecessarily cumbersome and controversial philosophical baggage that you try to rehabilitate. The Schmittian analysis of jurisprudence is compared to Husserl's theme of a European *telos* in the natural sciences. "Both Schmitt's European jurisprudence and Husserl's European science are different facets of the same epoch-making project, begun in Greece and subsequently codified with science and Roman law, to structure life rationally." You point out that in each case the term "European" need not be an ethnic, racial, or geographic definition. Certainly Husserl sounds like he wants to say that any culture which goes through a certain universalizing development is, to that extent, "European." Though both Husserl and Schmitt saw the project of universalization as irreversible, they, like Heidegger, saw it as threatened by various intellectual tendencies. For Husserl, it was what he called "objectivism" (what today is more often called realism) and for Schmitt it was "legal positivism."

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The theoretical argument at this point in the discussion gets quite vague. The point appears to be to convince us that what can be salvaged from Husserlian phenomenology is a wholly "internalist" account of the crisis of European culture. By "internalist" I mean an analysis which is not concerned with the historical, sociological, or contingent features of these societies but wants only to follow the very logic of universalization itself. However, the stress on internality here contrasts with the stress, earlier in the article, on how these changes are entirely directed from the outside; that is, that the important transformations of modern society are not by political decision-making (let alone moral teleology) but by economic forces of modernization and profitability. The quick shift in positions by the article leads to some very dense prose.

In the following passage you go from presenting us with a dilemma in which radical thought is not able to maintain its stance on cultural pluralism without simultaneously destroying such pluralism, to a quick solution that appeals to a "forgotten" universality. "Either the alternative is conceptualized within the same universe of discourse, in which case its radical character is automatically disqualified, or it is not, in which case it is no longer possible even to ask the question without in some sense necessarily reducing that otherness to sameness in the very process of conceptually apprehending it . . . an erasure of the very possibility of raising questions concerning pluralism and cultural autonomy. Thus the solution to the crisis of European science and jurisprudence can only be *internal* to the project, i.e., from the viewpoint of a universalizing consciousness gone astray to the point of forgetting its own identity."

The article goes on to compare different analyses of the crisis in which the enemy is objectivism, technology, identity theory, or positivism. These appear to you as, at best, derivative of the original Husserlian project. Husserlian reduction, which brackets the ontological apparatus that makes objectivism possible, is seen as the best way to rescue the concept of teleology. But while this is a rough characterization of Husserl's arguments against scientific objectivism, it is not at all clear that there is a direct slide here to political conclusions. What kind of teleology is being salvaged and why is not your own appeal to hidden-hand mechanisms not a kind of objectivism? Also, if the concept of teleology is being used to account for the "normative" aspect of rationality and universalization, and thus serve as a reply to post-modernism, very little is said about linking that concept to some particular political program. Though the Habermasian version of Critical Theory may be the extreme answer to post-modernism, as it attempts to secure both the rationality and universal ethics of political action, it is difficult to see your position; more than a tolerant liberalism but less than an embrace of nihilism, or more than instrumentalism but less than an appeal to ethical universals.

Your account of jurisprudence and a Schmittian discussion of constitutional law, does make explicit how the threat of instrumentalization, or what you call the "normlessness and indeterminacy" characteristic of post-modernism, is connected to Schmitt's defense of constitutionalism. Of course, the central

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question is how norms are imposed without sacrificing heterogeneity or centralization. Are norms simply imposed by tradition, gained by some critical reflection on concepts, or are they open to free variation? I think the problem of norms for law, or any social structure, can be discussed without the extravagant philosophical theory you adopt, though it does require some philosophical reflection on the social sciences and ethical theory. The article's contribution is: "Husserlian phenomenology in general, and the phenomenological reduction in particular, are useful here in defrosting bureaucratically ascribed fixed identities into their originally constituting components, and, in thus recapturing the creative constitutive moment, set the stage for the reconstitution of these same cultural identities in terms of new living conditions no longer irrevocably determined by the original constituting act."

I find it difficult to disagree with the general tenor of the passage, though I think there is much left unclarified. However, what is still needed is some indication of why "recapturing the creative constitutive moment," assuming we can more fully understand what that involves, will bring about preferable social conditions, such as the collapse of rampant Fordism. Often the power of rhetoric makes us believe that we already know why certain conditions are good or preferable or desirable. But this article in part raises questions about the traditional evaluative assumptions of the left. If these assumptions are discredited, and we do not want to collapse into the "anything goes" carnival of Derridean Professors of Literary Criticism, an account of what justifies the normative demands contained in an appeal to "new living conditions no longer irrevocably determined by the original constituting act" (assuming that I am correct in reading that as a normative claim) remains to be provided.

The article ends on a promissory note. There is praise for the pluralistic geopolitical alternative to the twin exhausted bipolar world of democratic capitalism and centralized socialism. This conclusion still remains confined within the effort to think what could be an alternative direction for political theory by reversing the mirror-image of these two failed pseudo-universal projects. The problem is that, if cultural unification is to go beyond geographic and linguisticaccidents, it requires some defense and justification. But any defense of unification seems, at least to you, to threaten heterogeneity and diversity. What you are asking is whether there is some scaffold available to support ourselves while we create a new social structure; while we lift ourselves by our bootstraps. In fact, the search for scaffolding may be a symptom rather than a solution, since perhaps we are all post-modern to this one extent — what other method for social change is there but bootstrapping? To mix Otto Neurath's famous metaphor about science, we repair the ship of state while remaining afloat.

Yours,

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Dear Bob:

Your comments concerning "Schmitt's 'Testament' and the Future of Europe" are particularly welcome, since they have forced us to think though a number of issues we thought had been adequately discussed. We have no objection in principle to your sharpening of Occam's razor, but only if you can show that we can still go places without much of this "philosophical baggage." We are not as so sure. In fact, in order to respond to some of your objections, it looks like we will have to do some additional packing . . .

Your first point concerns both our historical reconstruction of the trajectory of capitalism (and of a modernity which, as you rightly point out, we see as its cultural otherness), as well as the logic we deploy not only to interpret it but, what is more important, to reconstitute a meaningful political perspective for the last decade of this century. Your reservations have to do with our general conclusion that the events of the last few years should be interpreted not only as a victory of capitalism over communism, but in the context of a much broader crisis of "the administered society," both in the East and the West. The collapse in the former is only due to the much more rapid spread of the bureaucratic cancer. You point to "the rise of highly successful state-command models of economic development in both Asia and Europe," i.e., Japan and Germany, as counter examples of "administered societies" which seem to work pretty well, and to the fact that it is precisely the success of Germany which has rendered the project of European unification possible. As for the explanatory logic we use to construct our "narrative," you see it as predicated on "hidden-hand mechanisms" such as the need to maintain profitability, hence reducing to another version of traditional Marxism. As in all economistic analyses of this type, politics ends up relegated to the lever of appearance (or superstructure), thus shortcircuiting any normative political efforts.

Constitutional Kathechons *and Administered Societies*

Our analysis of the collapse of the bureaucratic centralism of the communist bloc as the outcome of developments also operative in the US (the crisis of the Welfare State) is part of a broader reconstruction of recent history. The narrative is predicated on the unfolding of Husserl's "crisis of European science," whereby modernity, in its pretense to self-sufficiency, loses sight of its teleology, falls into nihilism and ends up heading towards self-destruction. Since this is presented as part of the general development of a European project which, as a result of the irreversible impact of colonialism and imperialism, is today *universal*, its basic explanatory categories are "objectivism" and "naturalism." In the particular context of modern industrial societies, it relies on a logic of administration and bureaucratization rather different from the sociological homilies of Max Weber or of a social science establishment still mesmerized by them. Your objection is that this logic seems to disqualify *any* centrally planned or "totally administered society." It is thus incumbent upon us to explain not only your counter examples of the so-called German and Japanese

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"economic miracles," but also the early successes of state planning in the USSR and the post-WWII US.

Husserl's analysis of the crisis of European science, of course, is concerned primarily with the natural sciences but, when extended to society, as he himself does in passing at various places, it generates a powerful critique of bureaucratic rationality — something that has not been developed mainly because of Alfred Schutz' Weberianization of Husserl and the innumerable misunderstandings and *cul de sac* to which it has led. From an unadulterated Husserlian viewpoint, the problem with the Weberian — and, by extrapolation, the *standard* sociological — account of bureaucratic rationality is that it is not sufficiently historicized, and is predicated on a neo-Kantianism not sufficiently Kantian. Administered societies are not static, and tend to follow a self-destructive trajectory. Bureaucracy and administration work as long as they remain regulatory appendices to otherwise relatively autonomous social organizations whose teleology underwrites bureaucratic rationality. They are usually efficient, rational and responsive only when deployed to deal with specific social pathologies, and they do not radically alter the character of the social context within which they function. Problems develop when, to use the increasingly popular terminology of post-Kantian metaphysics, they overstep their proper limits. From instrumental means they become constitutive agencies mediatizing their clients and irreversibly altering their social context. They slide from the domain of *Verstand*, where they rightly belong, to that of *Vernunft*, where they end up colonizing the *Lebenswelt* and destroying the implicit conditions for smooth social reproduction. More specifically, bureaucracies do not remain merely external instrumental entities, but gradually penetrate and mediatize the society they are meant to regulate and, in so doing, undermine the conditions for their continued effective functioning. Our original argument was that, unless this logic is *politically* regulated and prevented from driving to its counterproductive conclusions, it leads to an impasse such as that which presently obtains in the US, where law is effectively delegitimated, bureaucracies are increasingly expansive and decreasingly efficient, and the socio-economic system is mired in a debilitating involution. The highly decentralized federal model we prefigured was meant precisely as a constitutional political *kathechon* to prevent this administrative self-destruction. By analyzing particular modes of administration (central planning both in liberal-democratic and bureaucratic-collectivist contexts) not according to abstract universal laws but in terms of concrete socio-historical contexts, we sought to unlock Weber's "iron cage."

The late 1940s were the heydays of what you rightly call "the myth of the totally administered society," i.e., a period during which a strong central state was almost universally considered to be the *inevitable* outcome and instrument of rational social development and, as such, the precondition for modernization and progress. As it turned out, central state power can precipitate rapid economic growth and social development only in rather undeveloped contexts, by utilizing existing and unused human resources to build the industrial apparatus

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and by instrumentalizing the readily available organic negativity needed to regulate it, before the state begins to penetrate and mediatize it. In a post-industrial context characterized by bureaucratic penetration and mediatization, this same model undergoes considerable involution — the bureaucratic apparatus can no longer be regulated by the previously available social negativity it has long since destroyed. Thus it becomes necessary not only to reconstitute it in order to guarantee the system's internal rationality, but also to intensify adminstration of a polity increasingly unable to administer itself. This bureaucratically generated or encouraged artificial negativity is not fit for the task precisely because of its artificiality, i.e., it is a bureacratic artifact unable to escape that same bureaucratic logic it is meant to regulate. In retrospect, this post-industrial bureaucratic "rationality" rules out any normative input which does not correspond to its one-dimensional logic, leaving the deployment of "super-legality" as the only recourse to raise new normative concerns. But this "super-legality" also has the unintended consequence of undermining the legitimacy of the legal system and thus seriously disturbing the social mechanisms of production and reproduction, as in the case of the US today. This has not happened in Germany and Japan, largely because of the particular historical circumstances of their reconstitution following WWII and the direct impact of the occupation policies of the US and its allies.

In many respects, Germany's and Japan's extraordinary post-WWII economic performance is not so much a function of the successful deployment of better or different administrative strategies, but of the fact that they were *constitutionally* prevented from following the American post-WWII trajectory of increasing centralization and subsequent decline. Both countries also ended up with constitutional protections against the kind of "super-legality" and rationality crises which have wreaked havoc in the US. Unlike in the US, where racism was seen as a particularistic social pathology to be eradicated by massive federal intervention and a growing body of "motorized" legislation, in Germany anti-Semitism was identified with the abuses of a powerful *centralized* state which, after the defeat of Nazism, had to be prevented from re-emerging. Thus efforts to combat racism in post-WWII Germany could never generate the kind of "super-legality" that similar efforts did in the US after the 1960s. What in the US was misperceived as the medicine, in Germany was identified as the disease. This is why the West German constitution turned out to be close to the pre-Civil War American constitution, which precluded the development of a strong central apparatus. It would take much more research and reconstruction than this reply warrants to establish exactly what happened at the time and the extent to which Allied efforts to prevent the resurgence of a "totalitarian" state actually managed to immunize Germany against *any* future crisis of "super-legality." It is clear, however, that, in addition to identifying the Holocaust as a specific product of the "totalitarian" state, something that fed all too well into the developing Cold War ideology, the US, Britain and France wanted at all costs to prevent the reconstruction of Germany as a strong military

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power. Since military strength was associated with a strong central government able to mobilize manpower and resources, the new German constitution was to help rebuild a *decentralized* Germany. A constitution resembling that of the antebellum US, guaranteeing strong state prerogatives and, *ipso facto*, a weak central government, seemed the ideal solution, and one which fit well with long-standing German traditions of regional autonomy.

In accordance with the agreement reached by the Allies at the 1948 London Conference, a Parliamentary Council composed of delegates chosen by the state governments in the three Allied zones of Germany met in Bonn in September 1948. This Council drafted a constitution — the "Basic Law," which went into effect upon ratification by the German state parliaments in May 1949. West Germany became the "Federal Republic," because federalism was the main focus. During the following five years, the Allies, for reasons of their own having to do with Cold War imperatives, outlined a policy prefiguring a unified Germany able to participate in the integration of Western Europe. This was also Adenauer's greatest concern. He wanted Germans to be citizens of a Europe which already at that time was projected as a unified entity. The American Secretary of State, Dean Acheson, was warning his colleagues in 1952 that the time was running out when the Occupation Powers could contribute to reshaping Germany: "We must begin at once to lead Germany to 'entangle and integrate' itself there." The reasoning was that the economic health and prosperity of Europe could not be divorced from that of Germany, and that the economic health and prosperity of both was needed to contain the Soviet Union.

You claim that West Germany and Japan are "obvious exceptions" to the federalist model we propose, thereby buying into the widely-held myth that these two countries are "highly successful state-command models of economic development." But the fact of the matter is that West Germany and Japan are not examples of that model, but rather almost paradigms of our own, with respect to European federalism and decentralization.

In a recent anthology dealing with *Developments in West German Politics* (1989), Gordon Smith characterizes the Federal Republic as a "state without a center," owing to its "loose" structure and the diffusion of authoritative decision-making, both of which have seen "the emergence of a particular policy-style which relies on the fashioning of a broad consensus rather than the imposition of majoritarian solutions." In other words, it was not "representative" but "participatory" democracy which constituted the German political horizon and it was not the corresponding centralized administrative apparatus that was to run it, as in the US and the USSR, but a truly *decentralized* federal structure. On the one hand, this situation can be traced to the weakening of the previously influential "state ideology" that had colored German thinking since the 19th century, i.e., as a reaction to the divisive politics of the Weimar Republic and to the Nazi experience. On the other hand, it can be traced more concretely to those political attitudes that were shaped both by the terms under which the Federal Republic came into being and by the way the

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institutional structure operates. From the outset, the Federal Republic was in a position of "dependent sovereignty," and even after its admission to NATO in 1955, when the overt expression of this dependency was removed, the earlier condition had long-lasting effects — not only in matters of security, but also in economic cooperation and integration. Historical circumstances worked against the emergence of a definitive "center." Bonn could not become the dominant political forum, nor did it have any pretension to become the hub of economic, social and cultural life. Frankfurt became the foremost financial and commercial center, the seat of the Bundesbank, while the main industrial centers remained scattered. The Federal Republic has thus avoided the pitfalls of centralization and turned what might have been a weakness into a source of strength.

Even if historical circumstances had not contributed to bringing about this situation, the West German constitution would have had a similar result. The deliberate dispersion of state power set out in the constitution is formulated in terms of a series of checks and balances guaranteing the primacy of grass-root units. Characterizing the constitution as a "cooperative" document, Smith writes: "The institutional structure represents a consensus-*inducing* mechanism: it is the process that fashions the consensus rather than the latter necessarily being present beforehand." In other words, although the various components interlock in very complex ways, the document's thrust is to make decision-making responsible to the basic units. What was fashioned was not the abstract "civil society" marketed by the bureaucratic intelligentsia, but something much more rooted in communitarian structures impervious to mediatization and *de facto* disempowerment. At least among the West Germans, it has had a deep-seated influence on popular attitudes and expectations as to how the system should work, and created a particular kind of political culture.

The constitution drew upon former German constitutions and deliberately reinvoked the tradition of the liberal *Rechtsstaat* that found an appropiate equivalent in the Anglo-American understanding of the "rule of law." But it is more concerned with instrumentalities than with high principles, i.e., it is not a *philosophical* document: such matters are left to the discretion of the various constituting elements. It leans toward the mixing of federal and state competences, i.e., toward a *horizontal* rather than vertical distribution of power, which requires permanent negotiating structures bringing federal and state authorities together to implement federal policies. Although, as in the US, this form of coresponsibility has tended to favor the federation over the states, as economic and social needs have required greater policy unification, three factors have tended to shore up the position of the states and to gear the system to marginal adjustments rather than a sudden lurch toward the center: 1) the principle of tax-revenue sharing; 2) the role of the upper house of the legislature, the Bundesrat, where state representation has a strategic role and effective voice at the federal level (something like the US Senate was in the 19th century, when it was appointed by the states it consequently represented, well before it came

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to mirror the House of Representatives as another popularly-elected body); and 3) the power of the federal constitutional court, which has followed the constitution to the letter and prevented any overt erosion of the states' power through judicial activism.

The issue of judicial activism came up in Germany in the early 1950s concerning the meaning of the "expropriation clause" (in relation to a question of eminent domain) in the Hesse state constitution, and the meaning of the word "social" in the federal constitution. As Schmitt pointed out at the time, and what turned out to be the generally accepted legal interpretation, the Hesse state constitution allowed for no external intrusions into established meanings (i.e., it prescribed strict adherence to what in the US is called "original intent"). His argument, which turned out to be almost prophetic in the case of the US, was that judicial activism would eventually turn a constitutional state controlled by a democratically-elected legislature into a managerial state run by an unaccountable judicial bureaucracy. He was particularly concerned with preventing the judiciary from becoming active in the sense of introjecting into the judicial process values extraneous to original intent. As far as the federal constitution was concerned, he wrote that the interpretation of the word "social" is not merely a matter of semantics but one of values. The point is that value should never replace virtue as the ground of law, and that it is always possible to establish which values are imbedded in the constitution. The post-modern ravings of Critical Legal Studies scholars concerning the ineradicable hermeneutical arbitrariness of legal meanings is a ploy to legitimate unwarranted *judicial* reinterpretions of the constitution independently of the *political* process where such reinterpretation rightly belong. At any rate, this judicial activism was constitutionally ruled out in Germany in the 1950s, thus successfully contributing to the prevention of the bureaucratic involution that took place in the US as a consequence of the resulting "super-legality." The judicial activism of the Warren Court was consequently unthinkable in Germany.

Although much of the constitutional jurisdiction of the German federal court is concerned with upholding personal freedoms and civil liberties in accordance with Articles 1-19 of constitution, it is required to rule on the validity of federal legislation even *before* a law has been implemented, which allows it an "abstract control of norms." The close proximity of the decisions of the court to legislation makes it an adjunct to that process. It is thus constitutional rather than political norms which condition expectations and attitudes. In this respect, the constitution presupposes and encourages a consensus concerning the authority of the state. It functions as a *key* part of the whole structure. On the one hand, this leads to a kind of "judicialization of politics," while on the other it leads to the interdependence of law and politics. It introduces law into disputes that might otherwise be resolved by political means alone, while preventing politics from generating processes leading to the delegitimation of the legal system — the result of "super-legality." Since structural conditions make

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it difficult for the German federal government to impose central direction, there is also a structural prevention against any kind of management of the economy "from the top," although there is a shared adherence to the concept of "social market economy."

The structural bedrock of West German economic policy has remained the bank-industry nexus. The debilitating consequences of hyper-inflation in the 1920s and the experience of a "barter" economy after 1945 made price stability the central aim of economic policy, which explains the Bundesbank's independent power over monetary policy and the powerful constraints it has on the federal government. At the same time, however, the government is insulated from many of the pressures of industrial management and thus better able to sustain its ideology of "social market economy" in industrial affairs. West Germany has successfully avoided the hostile "takeover" culture that developed in the US in the 1980s, and maverick personalities in business and finance tend to be distrusted. Had the US courts had the same role as their German counterparts with respect to legislation, it is unlikely monumental debacles such as the Savings and Loans scandal would have been possible. The otherwise pervasive influence of "Americanization" in Germany after 1945 has been qualified by complex arrangements to ensure codetermination at the higher levels of company decision-making as well as worker participation at lower levels in detailed social planning. This decentralized infrastructure of coordination is embodied in the principle of "subsidiarity." What this means concretely is a devolving of responsibility to lower units which, within their area of competence, exercise their own initiative. Not only are public regulatory functions vested in essentially voluntaristic bodies, but autonomous authority is granted to a variety of public institutions, the Bundesbank being only the most prominent. Most important, however, is that behind German corporatism stands the close regulation provided by the constitution, which has contributed to the stability of basic institutions. Smith argues that "the system is static because it works." This is a misunderstanding. The system is dynamic, precisely because the basic institutions are both stable and secure. "Super-legality" has been prevented from eroding them.

Unlike the Allied defeat of Germany, the defeat of Japan was accomplished almost exclusively by the US, making problems of reconstruction a great deal simpler. The most drastic reforms were in the political sphere, and were incorporated in the new constitution adopted in May 1947. Not only was the emperor transformed into a constitutional monarch, but other constitutional measures were designed to make the Diet more representative of the popular will, and to subordinate the cabinet to the Diet and the armed forces to the cabinet. Both houses of the Diet were to be elected by universal suffrage, broadened to include all adult women, and every effort was made to create a Diet that could function effectively as the highest organ of government. In a sharp break with past Japanese practice, a judicial system was established

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independent of the executive. Plans were made to decentralize Japanese administration by *constitutionally* strengthening local government. Democratization was interpreted to mean the freeing of the individual from traditional authoritarianism, and a variety of reforms were introduced to strengthen individual responsibility. Overall, the attempt was made to create a Japan that resembled Western democracies in general and the US in particular. The question here is whether the undisputed economic power of Japan today is the result of centralization and state direction.

In his book on *The Business of the Japanese State* (1987), Richard J. Samuels answers this question with a resounding "no!": "There is simply no evidence to support the prevailing view of a Japanese bureaucracy that purposefully chooses policies to anticipate and conform to the demands of the market. This is not the oft-told story of 'guided free enterprise,' 'state-led capitalism,' or 'bureaucratic dominance.' Instead, it is a story framed by a process of 'consent,' in which firms give the state jurisdiction over markets in return for their continuing control of those markets." By "reciprocal consent," Samuels means "the transactional nature of Japanese government-business relations, which is enduring because of the political stability of Japan's national institutions." The objective here is also one of *coordinating* rather than *directing* or *dictating* the policies of the thereby autonomous lower units. This emphasis on consensus and the autonomy of the basic productive units, rather than on representation or subordination, exhibits all the general features of a federal model not altogether different from the one we proposed.

Mirabile dictu, the success of Germany and Japan has nothing to do with a centralized command structure but is rather the unintended consequence of its opposite: the fact that this centralization was constitutionally checkmated, thus preventing the collectivist dialectic of parts and whole from reaching its logical conclusion of obliterating the autonomy of the parts and, consequently, ultimately undermining the rationality and viability of the whole. Largely unaffected by the detrimental impact of "super-legality" and bureaucratic involution, both Germany and Japan have been able to mitigate the erosion of the two guiding metaprinciples of "European science": legal order and rationality. In both, law has not been delegitimated by a "motorized" legislation; their citizens still obey the law because it is deemed "right" rather than merely "expedient." Given such a constituency, the economic system can thereby still rely on the spontaneously generated negativity of law-abiding citizens, and on an administrative apparatus constitutionally forbidden from entertaining totalizing aspirations. In this sense, bureaucracy and planning have never been too far removed from their clients and needs, thus remaining both *accountable* and relatively *efficient*. These are also the preconditions for what has come to be known as post-Fordism, and helps explain the flexibility of German industry in redesigning its industrial apparatus. As such, the damage of one-dimensionality and over-administration has been contained much more than in the US where, Cold War rhetoric to the contrary notwithstanding, the growth of

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Washington as the bureaucratic totalizing center has tended to mirror similar debilitating processes in Moscow.

Hidden Hands and Visible Decisions

The charge you make concerning our explanation of "the obsolescence of centralized planning" as being "wholly a matter of hidden-hand economic factors" seems at first glance ironic, since Schmitt is the preeminent theorist of political decisionism and the "hidden hand" is the favorite ruse of liberal economic theory. Central planning, the counterpart to "motorized" legislation, is not synonymous with political decision, and decentralization of decision-making is not synonymous with a hidden hand. The breakdown of an old order and the constitution of a new one necessarily involves a transformation in decision-making, and this is certainly the case in the transition from state-centered arrangements to *Grossräume*. At second glance, your charge is at odds with your otherwise well-taken insistence that this kind of narrative must allow for unintended consequeces and thereby avoid what you describe as the totalizing promises of "utopian engineering." You seem to want politics to be either something having to do with *decisions*, in which case history unfolds as willful self-determination (or else degenerates into the working out of forces operating behind people's backs); or a chaotic resolution of a multiplicity of autonomous individual decisions resulting in unanticipated collective outcomes. In other words, although you do not see political decisions as necessarily resulting in what they seek to achieve, you definitely want to keep them as part of any meaningful political theory, rather than seeing them evaporate within a hidden-hand logic explaining all. But how do we explain political decisions? If we reject the chimera of full social transparency, which results in the erasure of human agency — the illusion not only of vulgar Marxists but of all Enlightenment ideologists, we must provide explanations of what happened *ex post facto*, i.e., social reconstructions or narratives which are inevitably predicated on some hidden or not-so-hidden logic. Otherwise, we simply will have no explanation, narrative or credible social reconstruction. When you say that the hiddenness of causality in society is inevitable, you must qualify that with a temporal clause: *only from the viewpoint of the present*. It does not and cannot apply to the past or it becomes impossible to do meaningful history other than as a haphazard sequence of events which, to the extent that they cannot be organized by means of any logical scheme deciding what is important and what is not, becomes irrational and arbitrary. In historical explanations it is not the cause that explains the effect, but the other way around.

The problem here is with what it means for political theory to be normative. Political theory should not develop schemes which obliterate human agency by postulating hidden logics. Its normative character is built into the very reconstructions it provides. These necessarily involve hidden logics, which become clear only through an explanation of what they have generated. The role of political theory, therefore, is to propose credible reconstructions which are, at the

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same time, tentative explanations of what happened as well as possible future courses of action. In order to do this systematically, we need a comprehensive theoretical framework, which is precisely what the paper on Schmitt and Europe tries to outline. At any rate, you would not claim that the above attempt at an explanation of Germany's and Japan's post-WWII economic success is either economistic or based on hidden-hand factors. It does, however, rely on intentions, political decisions and their unintended consequences to account for the occurrence of "super-legality" in the US in the 1960s and the subsequent debilitating consequences (not to mention the disastrous case of the USSR).

Not only do you charge us with harboring residues of Marxist economism, but you see these residues as clashing with the Husserlian account of the unfolding of the project of European science, all hidden under the cloak of "some very dense prose." The objection is couched in terms of a contradiction between our "externalist" account of the rise and fall of administered societies and the "internalist" logic implicit in the Husserlian analysis of the crisis of European sciences. But the two are by no means inconsistent. The critique of bureaucracy is carried out almost entirely in terms of its growing "objectivism" in Husserl's sense, i.e., the loss of connectedness with the original *telos*. The above account of what constitutional factors may have contributed to Germany's extraordinary post-WWII recovery is in terms of legal constraints mitigating the effects of objectivism in law and industrial policy, thus lessening the damage that has wrecked the USSR and Eastern Europe, and increasingly threatens the US. At any rate, this objection has been a standard one for over sixty years, against any attempt at a synthesis between Marxism and phenomenology — an objection that we thought was effectively answered by, among others, Enzo Paci's *The Function of the Sciences and the Meaning of Man*.

Re-Synthesizing the Western Tradition

More broadly, our objective was to connect different analyses, such as Husserl's critique of the the crisis of modern science, Schmitt's critique of legal positivism, Marx/Lukács' critique of reification, and Adorno/Horkheimer's critique of instrumental reason in order to provide a general framework within which to confront post-modernism and the more concrete problem of constructing some sort of European geopolitical unit — clearly an "ideal type" — to subsequently deploy for domestic reconstruction and international order. While these are forbidding megaproblems, we have to deal with them. In an earlier letter you stated that the various critiques of science, jurisprudence, reification, and instrumental rationality are analytically distinct and need to be approached as such. But if these are reconceptualized in much broader terms, such as the trajectory of the Enlightenment and its involution, they appear as different facets of the same phenomenon of capitalism (notice: it is no longer "late" or "early," which means that our analysis is outside the trajectory of any Marxist or neo-Marxist or traditional Christian philosophy of history) becoming increasingly universal and yet less conscious of where it is going. If

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such is the case, then we may begin to look for solutions or remedies in places we never looked before. Thus, in science, the old and now seemingly stale critique of positivist methodologies is even more relevant today than when initially developed. For example, it sets the stage for the kind of critique of "normal science," such as James Dewey Watson's massively bureaucratic genome project, which will stultify biologists, retard any progress in the field, and waste an immense amount of the taxpayer's money. The alternative to this can be prefigured in terms of, e.g., studying the morphology of introns, or "junk-DNA," or more *determined* problems which, contextualized within a concrete theoretical framework, are immensely more promising.

The same goes for jurisprudence: Schmitt's critique of legal positivism, "motorized" legislation and "super-legality," from the viewpoint of a traditional jurisprudence, leads to a powerful critique of that "legalitarianism" which threatens the collapse of the entire legal system. (This is the exact opposite of Mitchell Franklin's indefatigable struggle for some American equivalent of the *Code Napoleon* as an attempt to remedy the same problem understood, however, as capitalist *arbitrariness* and *lawlessness* resulting from the looseness of the English common law tradition). Legislators passing dozens of inane laws to deal with trivial problems, and changing those laws to fit the needs of the moment, result in the loss of a sense of right and wrong embodied in law, the reduction of law to expediency, and the subsequent loss of any respect for the law. In such a context, there are not enough policemen or bureaucrats in the world to be able to guarantee compliance and we end up with the sort of situation we have in the US today. The Supreme Court's flip-flopping on issues (today abortion is legal, tomorrow it is not, the day after, maybe; the death penalty is unconstitutional, it is up to the states, it is cruel and unusual punishment, etc.) destroys any sense of morality objectified in a legal system, adherance to which constitutes good citizenship. If and when laws are changed, this should be done with the full awareness of what is being done and of the consequences involved — at least to the extent that it can be foreseen through careful and deliberate debate and public discussion. What Schmitt calls European jurisprudence enbodies the Roman Law tradition of ineradicable pluralism, strict proceduralism, and a concept of rights rooted in natural law and a secularized version of the Christian soul. Natural law and the soul are reifications, but unless we keep in mind these roots of the contemporary concept of individuality, human rights etc., we end up in a post-modern nihilism where the freedom *from* traditions means not only anything goes, but that we have no longer any criteria to separate anything out and, even if we did, it would not matter anyway, since judgments no longer have any normative import beyond expressing personal preferences.

You get the same type of argument with reification itself. If the living dimension, which is always more than can be grasped through concepts or objectified into commodities, is not only quantified by the cash-nexus and reduced only to that which the concept effectively apprehends, then all institutions, customs and

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lebensweltliche practices lose their function as normative guideposts and degenerate into highly contingent instruments whose exchangeability and temporality reduce them to, e.g., the level of a pair of old sneakers to be discarded as soon as they seem worn. This is the sort of thing that Habermas wants to get at with the distinction between system and lifeworld, and his epigones seek to concretize by introjecting between them "civil society" — all from the viewpoint of an Enlightenment ideology which automatically loses sight of precisely that living dimension they are trying to recover. Social institutions, like constitutional norms, are in need of exceptionally strong arguments before they are altered. It is important at this point in time to oppose the equivalent of Weimar's "enabling acts" in the social sphere in order to safeguard the basic social fiber from erosion by opportunistic socio-political groups whose concern with their immediate needs leads them to cripple or destroy key institutions essential to social reproduction.

Instrumental rationality is a special case, and you are entirely right in casting doubt on the validity of the critique. But this is a function of Adorno's and Horkheimer's limitations. Burned by Nazism, and having concluded that it was the result of the domination of the concept (identity logic), they could only retreat to a "mimesis with nature" where the organicity of the whole allegedly protects against the dysfunctions of partial rationalities. As in the case of the critique of bureaucracy, which is but a particular instance of the critique of instrumental rationality, the latter works only if it is solidly grounded in a context in which ends are clearly defined and integrated within the kind of global framework both Adorno and Horkheimer considered the epitome of untruth. This is why Husserlian phenomenology is absolutely essential to Critical Theory. Without it, Critical Theory can only go the way of Habermas into conformist and irrelevant communication theory. The critique of instrumental rationality is essentially a recycling of the critique of reificaton minus the Marxist specificity, i.e., it is generalized to cover all of Western rationality. That leads to the same corner in which Heidegger and the post-modernists have painted themselves. Limited to Enlightenment rationality, however, it works fine.

You feel uneasy about speculations concerning the nature of economic and political preconditions for European unification. But how then could we have argued that the deployment of *perestroika* in the USSR has subverted the original "third way" model of European unification (the *via media* between capitalist and communist alternatives) and will result in a shift of the social-democratic model eastward? This thesis runs counter to all Left analyses which claim that what has happened is simply a collapse of neo-Stalinism and that socialism is alive and well as an alternative to capitalism. The short discussion of post-Fordism and of the new ethnic/racial/religious problems is meant to indicate what are already becoming the new social "contradictions" displacing traditional class conflicts within the emerging post-industrial order: a new phase of capitalist development which has already rendered socialism obsolete. The discussion of federalism is aimed at showing how this institutional rearrangment

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promises to checkmate social democracy. The objective all along is really to find a way out of the post-New Deal/New Class predicament which is presently paralyzing the US and threatening to degrade it to the level of a second-rate power.

The New Federalism as the "Third Way"?

One of the more important, but relatively submerged, objectives of our article was not so much to inquire as to possible ways to reactivate that Western tradition threatened from an "outside" which no longer exists, but rather from within, i.e., from its own loss of sense and identity. Ultimately, Husserl's diagnosis of the crisis is that it is more a symptom of growth and development than of inadequacy or failure. The more intractable problem with this tradition, however, is that its fundamental values — freedom, equality and subjectivity — are incompatible, and therefore unachievable once and for all. They remain a horizon, a project able to provide direction and meaning but never definitive or free of conflict. This is another way of saying that what you call "utopian engineering" is doomed in principle. A totally reconciled society of free and equal subjects is impossible. All we can hope for is a variety of contexts where various configurations of the three values play themselves out in various ways. This is why it is necessary to look beyond the liberal-democratic promise of infinite capitalist growth (and its underside of inequality and suffering) and the bureaucratic-collectivist dream of perpetual socialist security (and its underside of scarcity, homogeneity and mediocrity). By allowing the coexistence of a myriad of autonomous communities, all of them negotiating, in whichever way they choose, the joys and tribulations of everyday life, the federal model we proposed may avoid the pitfalls of the heirs of both pseudo-universal systems now in deep crisis: Wilson's global democracy and Lenin's communist society. As a populist third way, it may provide concrete contexts within which real people can lead meaningful lives, untroubled by the idolatry of either capitalist redemption or communist eschatology.

Questions concerning the state and the constitution are essential in terms of how these problems unfold in the US, since the most important developments during this century have had to do with a subtle change in the concept of the state and a radical reinterpretation of the constitution. If one takes the notion of individual freedom seriously, and extends it to include increasingly larger aggregations such as the family, the neighborhood, the community, the city, etc., then the same risks must also be extended, i.e. the freedom to make mistakes or fail. Only when these free decisions have serious consequences for other similar entities does the authority to adjudicate conflicts shift upwards to the next higher unit. In an advanced, post-industrial society the problem is that almost all local decisions tend to effect everyone else and thus quickly turn into federal cases at the highest level. This is the most serious objection to this whole scheme which, unfortunately, is not discussed in the article. Yet the even more important task is to determine new institutional arrangments whereby the lowest

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possible autonomous units can bear as much freedom and responsibility without having to constantly deal with higher units. This seems to be the only way to guarantee the most possible freedom, which leaves open the possibility of considerable inequality and, consequently, conflicts among the various units *at all levels*. Anyway, a conflict-free society is impossible, and the best one can hope for is a society in which these conflicts can be minimized and, where unavoidable, effective mechanisms can be developed to resolve them, i.e., a legal system based on what Schmitt calls "European Jurisprudence" (but which has universal validity), whereby community values and traditions can be effectively translated into justice by a judiciary unencumbered by a "motorized" legislation, a New Class of lawyers or a "functionalized" code.

Your reservations concerning the critique of post-modernism are puzzling. Are you saying that our depiction is inaccurate? Does post-modernism not involve relativism and the demolition of the so-called master-narratives? Does it not, in its most extreme cases, quixotically attempt to challenge the whole Western tradition, as with Heidegger's ridiculous return to "Being," or Merleau-Ponty's critique of language in *The Visible and the Invisible*, or Derrida's deconstruction of the very ground upon which he stands? The sentence you claim is unclear seems perfectly clear. The almost trivial point is that post-modern challenges presuppose precisely what they want to eliminate, and are impossible to formulate from any viewpoint other than that of advanced modernity. The point is that all this nonsense about "the radical other" is itself a Western creation, and neither presents a challenge to it nor an alternative.

As for your last reservation, concerning the meaning of European unification in structural terms, a better answer must await the resolution of most of the outlined political problems. Unless there is a sense of a European identity, a shared jurisprudence, and a realization of common interests, there will never be European unification. The project, however, is already well underway.

Best Regards,

Paul Piccone and Gary Ulmen

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Dear Paul and Gary:

Your article on European political options and necessities after the Cold War contains unconventional ideas that are worth considering. Especially useful is the incorporation of Carl Schmitt's speculation on territorial spheres to show Europeans what paths may have opened for them. Note that Schmitt treated European unity in the postwar period as merely a fond hope. In an essay for *Der Staat*, he lamented that Europeans could not conceive of their own unity except as a preliminary stage toward a politically unified world. Like this author, Schmitt viewed such a possibility with revulsion, believing that any world government would amount to an imperialistic police state. I trust that you can appreciate this concern, as well as questions that have entered *my* mind in looking at the current drive toward European unity. Is that drive one that comes predominantly from European nations recognizing their shared political fate and cultural inheritance? Or, does the most urgent pressure for a European *Grossraum* come from the *classe gestionnaire* now headquartered in both Brussels and Strasbourg? What this managerial class seeks is less European self-identity than the cultural obliteration of all Europeans who resist a bureaucratically engineered economy. Enemies of national identity, from Alexandre Kojève and Eric Hobsbawm to *The Wall Street Journal* have praised the Common Market as an instrument of denationalization and of economic and political homogenization. Meanwhile, the European Parliament in Strasbourg has become an empowering tool for national minorities bent on wrecking already endangered sovereign states. Frisians, Britons, Welsh, and others who dislike even the remnants of the old European state system are now being encouraged to whack away at those remnants. Out of this therapeutic act may come dubious change, as the work of Europe's state builders will be made to give way to an Alsatian talkshop.

I also have reservations about the identification of human rights with Roman jurisprudence. Human rights are an invention of the Enlightenment, originally used to promote the ascendancy of intellectuals and their bourgeois patrons. By now the same concept has become infinitely open-ended and has been made to refer to whatever a particular faction claims against another or against a vestigially sovereign state. Lately, there have been complaints that US allies in the Persian Gulf are violating human rights (deemed inalienable) by not allowing women to go shopping without escorts. Edward Luttwak in *The Washington Post* (November 11, 1990) raises the same grave charge against the Saudi Arabians for being "autocratic" and prohibiting American chaplains from wearing crosses on their lapels. What is meant thereby is that our new allies are culturally objectionable and should submit to our way of life before being permitted to be our allies.

Human rights exemplify what the medieval Nominalists called derisively "*afflatus vocis*," mere breaths of air pronounced with high seriousness. Do you wish to compare this "*afflatus vocis*" with something as substantial as the Roman law of nations? If so, Gaius and Papinian are turning in their graves. Certainly

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a difference is to be drawn between the internationally accepted commercial and criminal procedures embodied in the Roman *jus gentium* and polemical appeals to abstract universals. Conceptual elaboration may be necessary for you to establish the Roman origins of human rights. I am not sure that this case can be made convincingly, though it has been tried by misrepresenting the Roman Stoics. The Stoics believed in political duties but never spoke of human rights. In any case, I am waiting to be shown the missing link between Roman laws and the rights of man.

Best Regards,

Paul Gottfried
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Elizabethtown, PA

* * * * *

Dear Paul,

Your main points — 1) Schmitt's opposition to world government; 2) the technocratic impulses behind European unification; 3) European minorities seeking to instrumentalize 1992 to delegitimate national sovereignties while simultaneously legitimating their cultural identity and the particularistic aspirations of their respective multicultural bureaucracies; and 4) the problematic derivation of human rights from Roman jurisprudence — are all well taken. We hope the following clarifications meet your objections.

From the Totally Administered Society to Minimalist Federalism

You are correct in characterizing Schmitt's position as vehemently opposed to any kind of world government. After all, consider his options. Before WWII, a world government could only have meant either a globalization of the British empire, or an even more problematic totalization by fascism or Nazism. In the post-WWII situation, the prospects did not improve, with the US and the USSR striving for world hegemony. The problem with a centralized world government at that concrete historical juncture was that, in order to function effectively, it would have had to homogenize the populace, either through Marxist-Leninist proletarianization, or through democratic consumerization, i.e., within different versions of what Adorno called "the administered society." In both cases, the result would have been disastrous. We see now all too clearly the extent to which efforts to impose communist proletarianization never managed to penetrate popular consciousness beyond erasing, at best, only recently-acquired (and, therefore, not yet fully integrated) "bourgeois

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virtues" such as the work ethic, thrift, instrumental rationality, etc. Similar results can also be seen in the West. There, consumer consciousness fostered by the culture industry did manage to homogenize and standardize the population into the kind of aggregate demand required by the Fordist mode of capitalist production. Yet the drastic decline in the quality of life and the corresponding axiological deficits have generated a self-destructive drug culture, homelessness, urban decay and a general motivation crisis threatening effective social reproduction.

Clearly, we were advocating nothing of the kind. On the contrary, unification along the strong but minimalist federal lines we suggested was meant precisely to guarantee cultural particularity and plurality in a world increasingly threatened with forced universalization by either New Class agendas or more traditional capitalist strategies. In a world beset by ecological crises, staggering regional inequalities and seemingly irreconcilable differences, it is essential to have political mechanisms to prevent destructive conflicts between the various fragments, while simultaneously safeguarding their autonomy.

Although Schmitt lived well into the 1980s, his world was radicallly different from ours. Nevertheless, he clearly saw that the epoch of the sovereign state was coming to an end, together with the old *jus publicum Europæum* based on it. Rejecting all pseudo-universalisms, he projected the transition to a pluralistic world of *Grossräume*. What we tried to do was to draw out some of the implications of his political analysis, however incomplete. With the growing erosion of cultural and personal identities, i.e., the preconditions for political life, we must rethink fundamental notions such as democracy, equality, freedom, identity, etc., which can no longer be articulated within a political dimension exclusively defined by the state. This is why we deployed the ideal types of "organic communities" and "minimal federalism" (not to be confused with a confederalism still mired in the contradictions of 19th century notions such as *national* sovereignty). In the age of hi-tech, when we are "all connected" by ties much stronger than even ATT ad-writers can imagine, meaningful politics, as contraposed to the "spectacular politics" of managerial mass manipulation, is possible only within "organic communities," i.e., units sufficiently small to allow real popular participation which will not degenerate either into a representative travesty or a plebiscitary ritual where the unavoidable forced identification of individual and collectivity reduces rational deliberations to mere emotional exercises.

In the 1990's we have finally realized that "totalitarianism" was an impossible Enlightenment, rationalist nightmare — the negative flip-side of utopianism — and that no amount of well-trained bureaucrats can ever effectively run a totally administered society of robotized clients. We are also becoming increasingly aware that processes of individuation and personality formation presuppose lifeworld mechanisms that can be provided only by basic social units such as the family and the surrounding community, rooted in concrete geographical space and historical time, (i.e., they are not mere sociological abstractions).

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This dualistic predicament translates into a dual culture and a dual politics: a cosmopolitan culture contraposed to a myriad of particularistic traditional cultures, and a minimal federal system contraposed to a myriad of autonomous communities within which these particularistic cultures can thrive and develop. How to articulate these dualisms in such a way that neither of the two poles overwhelms and destroys the other remains the task facing the 21st century.

The Abstract Intentions and Concrete Meaning of European Unification

Since populist and communitarian sentiments do not usually translate into cosmopolitan visions, it is not surprising that projects such as European unification originate with the only groups who operate at that level: intellectuals, capitalists and technocrats. European unification was seen, first and foremost, as an *economic* mechanism, only subsequently translatable into a *political* one and, eventually, depending on the successful achievement of a meaningful economic and political integration, into a *cultural* project. In this sense, you are right in seeing the whole effort as a capitalist or New Class project. But subjective intentions and historical meaning seldom coincide. In this case, they clearly do not: the implications of European unification transcend whatever parochial agendas its architects may have entertained. It provides the model for a new international order displacing the ruins of the *jus publicum Europæum.*

Although you do not seem to find this scenario entirely to your liking, you have not missed its broader implications, such as the undermining of national identities and the empowerment of various minorities. But why should these originally unintended consequences be deemed undesirable? National identity is a myth which has long since been exploded: it was mostly a modernist invention which sought to unite within well defined geographical boundaries heterogeneous populations which, centuries after the attempt, still retain their particularities and remain suspicious of the center's hegemonizing objectives. One need not look at obvious cases such as Yugoslavia or the USSR to realize that *all* countries in Europe are political fictions unable to withstand careful scrutiny. Even the staunchest possible exemplar of a country with an allegedly distinct national identity such as France was shown a couple years ago, in a special issue of *Les Temps Modernes* devoted to the theme, to be a patchwork of religious, linguistic and ethnic minorities. Today national identity has become primarily a rallying cry of bureaucrats and administrators with a stake in upholding the artificial divisions it entails.

What makes Europe more than an arbitrary spacial concept is a shared history which, according to Schmitt, culminates in a common jurisprudence and, for Husserl, in a rationality embodied in science, technology and theory. But today these criteria extend to the whole world. The totalizing process begun by Greek science and Roman law has been completed today by Coca-Cola and the portable radio. Schmitt's argument for *Grossräume* is global without being universal in the sense of an homogenizing world government. The conflictuality he thought essential to politics, which would have to disappear in world

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government, is something best regulated within a minimalist federal context ultimately generalized, through the constitution of increasingly larger units from the neighborhood, to the municipality, to the *Grossräume*.

This is also why the empowering of minorities might not be altogether undesirable, as long as it is not instrumentalized as a redistribution ploy by multicultural bureaucrats to access larger shares of the federal budget to which they would be otherwise entitled. However, within the highly decentralized federal model we proposed there would not be any such federal pork-barrel and all social functions, except those absolutely impossible to decentralize, would be local. Thus minority empowerment reduces to *community* or *populist* empowerment. As such, it would facilitate the redeployment of what Schmitt described as the "spirit" of European jurisprudence by encouraging increased face-to-face contact and therefore accountability, self-responsibility and citizenship. As social and historical products, minorities and cultures are naturally unstable. They are turned into frozen entities only by multicultural bureaucrats with a stake in preventing the natural process of their constant reconstitution into unforeseeable formations responding spontaneously to new needs and conditions. Thus the empowerment of minorities within a highly decentralized but unified Europe not only is unlikely to contribute to the kind of universal provincialization you fear, but may actually help create a genuine European culture not qualitatively different from its potential counterparts in America, Asia or Africa.

Roman Law, Natural law and Human Rights

You are right that there are no human rights in Roman law. Consequently, it would be quite a trick to deduce the former from the latter. But we never claimed that. What we wrote was that "Roman law as the ground of unity for a new pluralism, and natural law secularized into human rights" are the essence of European jurisprudence. Since the Roman *jus gentium* was originally devised as a means to allow the coexistence of a variety of radically different cultures and proved extraordinarily successful in doing precisely that, it may provide a model guaranteeing the coexistence of an even greater variety of cultures. Its decentralized character and the importance it attached to the autonomy of the particular cultures comprising the Roman Empire remain as traditions worth recycling in the process of constituting a viable framework for a European *Grossraum*. Its success was a function of its ability to guarantee this respect for cultural autonomy. Christians have been complaining for centuries about Pontius Pilate's callousness in refusing to infringe on legally-guaranteed Jewish cultural autonomy and overturn the local authorities' condemnation of Jesus Christ. Yet Pilate was just behaving as a diligent bureaucrat, following well established legal procedures. This feature of Roman law, rather than human rights, is what we meant to vindicate for a viable European constitutional framework when we wrote about "Roman law as the ground of unity for a new pluralism."

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In addition to Roman law providing the foundation for a new pluralism, the essence of European jurisprudence was also constituted by "natural law secularized into human rights." Roman law and natural law are by no means identical. The first is formalized into precise formulations spelling out legal and extra-legal modes of behavior. The second is embodied in vague and often contradictory traditions and customs taxing the hermeneutical skills of the old legal estate in order to be translated into norms applicable to particular cases. All this is part of what Schmitt referred to as a European jurisprudence unfettered by codification and thus able to guarantee continuity with traditional values and customs, i.e., justice. What exactly is "natural law" is open to debate. In *Summa Theologica*, Aquinas manages to sneak in the soul as an ontological component of that natural order, the contravening of which constitutes a breaking of natural law. Obviously, this is not the place to try to establish how many natural or human rights can be made to dance on the head of such a tenuous legal pin. Yet it is clear that, as *substance*, Aquinas' soul has definite inalienable *attributes*. It does not take a Montesquieu or a Diderot to secularize these attributes into human rights, once the soul is translated into the mind of the mechanistic *Weltanschauung* of post-Cartesian philosophy.

As a preliminary approximation, your claim that "human rights are an invention of the Enlightenment" is not wrong. But like all inventions, this one also does not come *ex nihilo*. As Norwood R. Hanson showed years ago in his now unfortunately forgotten *Patterns of Discovery*, inventions presuppose thorough familiarity with a given framework, the redefinition of which allows for previously unimaginable solutions. At any rate, we do not have to wade into arcane debates in the philosophy of science to acknowledge that such key notions as "human rights" may have historical roots somewhat deeper than the Enlightenment. If we take seriously Schmitt's claim that "all precise concepts of the modern theory of the state are secularized theological concepts," then we may be justified in suspecting that human rights may have a long-standing theological pedigree.

Be that as it may, we had absolutely no intention of endorsing the current super-legal notion of rights — especially since it has long since become the favorite tool of the managerial elite to mediatize their clients into an ever growing dependence on that bureaucratic rationality legitimating New Class hegemony. Rather, we take the universal postulation of *basic* human rights to life and liberty as further evidence for the universalization of what began as fundamental Western values of freedom, equality and subjectivity. As such, they are an inextricable part of the axiological scaffolding of that European jurisprudence we suggested as the framework for a viable European constitution guaranteeing both a minimal federalism and the resurgence of organic communities where true individuality and participatory democracy can thrive.

Best Regards,

Paul Piccone and Gary Ulmen

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Reviews:

The Rehabilitation of Intellectuals?

Bruce Robbins, ed., *Intellectuals: Aesthetics, Politics, Academics* (Minneapolis: University of Minnesota Press, 1990), xxvii + 376 pp.
Ralph Miliband, Leo Panitch, John Saville, eds., *The Retreat of the Intellectuals: Socialist Register 1990* (London: Merlin Press, 1990), 365 pp.

"In 1984," runs the second sentence of Bruce Robbins' introduction to *Intellectuals,* "former Secretary of Education William Bennett's *To Reclaim a Legacy* began a counteroffensive against the changes wrought in American education and cultural life by or since the 1960s — changes to whose description and defense *Social Text* devoted *The Sixties without Apology*, published by the University of Minnesota Press in the same year." This awkward sentence hints at what is to come: self-promotion and self-delusion. The notion that the government attacked and *Social Text* replied with a special issue is delicious, recalling the good old days of leftist hallucinations. A country is invaded; a factory closed; a union busted. A Trotskyist or Maoist sect responds by calling the angry masses to protest; a dozen people demonstrate. The group then writes it up in their newspaper as "Revolutionary Upsurge! Capitalist Offensive Blocked!"

This is not much of a book. To be fair, it may not even be a book. Hence it may be excellent, only the "it" has to be identified. For instance, it may be a post-modern text exploding conventional ideas about books; its Salvation Army quality is a brilliant move on the part of the editor. By throwing together homeless essays, Robbins, an English professor and an editor of *Social Text*, has directly assaulted imperialistic coherence and elitism. His decisive break with a repressive lucidity is especially courageous.

However, to use old fashioned criteria: as a book it appears a compilation, with an editor's introduction, followed by three divisions: "Theory," "Interviews" and "Historical Cases." The Theory section contains pieces by Stanley Aronowitz, R. Radharkrishnan and Andrew Ross. Three individuals show up in the Interview section: Edward W. Said, Barbara Ehrenreich and Gayatri C. Spivak; the first two were interviewed by the editor in 1988; Spivak's interview ran in the periodical *Thesis Eleven* five years ago, though her inimitable jargon renders it timeless. The "Historical Cases" make up almost half the book; these are eight essays on, well, anything; they run from Jonathan Arac's "Peculiarities of (the) English in the Metanarratives(s) of Knowledge and Power"

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and Deirdre David's reflections on Elizabeth Barrett Browning to Dana Polan's thoughts on David Abraham and Paul de Man. Five of these essays deal with the British cultural scene; for instance, one discusses the firing of Colin MacCabe from Cambridge University in 1981.

Robbins' introduction sketches the problem the book addresses. Unfortunately, Robbins partakes of the new brand of English professor; to this species not only English, but also thinking, is a second language.[1] To be fair, he does offer an argument of sorts. The Reaganite "backlash" compelled everyone to notice "how much support the programs of the 1960s have"; and how far the 1960s influence has carried both "in its basic premises and in its institutional consequences." Robbins does not even allude to what he has in mind — the homeless? gangs? medical care? He belongs to that happy crew that views everything as a Left victory. Left intellectuals themselves cannot acknowledge "their own cultural and institutional *achievements*." This is his point: getting all to admit that "the Left is a forceful presence in America." This "success story" (which Robbins' qualifies as "uncompleted") is Robbins' topic.

Robbins informs us, that "the institutional forms the energies of the 60s have taken" are found in the unfolding debate about intellectuals. Of course, Robbins is upbeat, since the 1960s led to one clear result: Left-wing English professors. He trumpets that the title of a recent book, *Intellectuals in Power* (by Paul Bové) "can no longer seem a contradiction in terms." To be sure, the phrase "intellectuals-in-power" is not a contradiction. Thirty years ago James Joll wrote a book titled *Three Intellectuals in Politics*. The progress in self-delusion since then is suggested by simply looking at the subjects of Joll's and Bové's books. Joll surveyed the careers of people like Léon Blum, socialist Prime Minister and head of the Popular Front government, and Walther Rathenau, a major German industrialist and sometime government official.[2] A couple of decades later, who are the "intellectual in power" to Bové? Literary critics.[3]

Robbins claims that his volume seeks to "respond to the task of mapping the specific social sites, situations and 'cases' of intellectuals, analyzing the actual institutions with which intellectuals are 'affiliated' . . . and the political valence of their affiliations." More specifically, these essays "interrogate the received opinion that the 'success': of the Left grounding itself within American educational and cultural institutions since the 1960s must be seen as the 'failure,' betrayal, decline or demise of the intellectual." Instead, says Professor Robbins, everything is cool.

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1. He is also sloppy; some footnote numbering is off; and his references are often careless. He quotes Mannheim as describing intellectuals as "free-floating, unattached." To this he footnotes *Ideology and Utopia*, wisely providing no page number, since he has none. The phrase is just Robbins' crude approximation of Mannheim.
2. James Joll, *Three Intellectuals in Politics* (New York: Harper and Row, 1960).
3. Paul A. Bové, *Intellectuals in Power* (New York: Columbia University Press, 1986). There are other differences in the books. Joll writes in English; Bové, an English professor, does not.

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As a representative of this conventional wisdom, Robbins offers some unflattering remarks about Russell Jacoby's *The Last Intellectuals*. (Clarification: although I am familiar with his work, and we share the same name, I am not related to *that* Russell Jacoby. This is bizarre but possible; after all David Horowitz is not related to David Horowitz. In any event, this permits me to dispassionately consider Robbins' commentary on Jacoby. To minimize confusion on occasion I will refer to Jacoby of *The Last Intellectuals* as Jacoby [nr], meaning Jacoby "no relation.")

Robbins restates some familiar objections to Jacoby's book:[4] Jacoby lionizes the New York intellectuals, who "trashed" the 1960s; moreover he misses the new black, chicano, native American and feminist intellectuals who appear "in university curricula, conferences and book lists." Of course, Robbins misses them also; at least they do not find their way into this book, something he sincerely regrets. He explains "good intentions are far from being enough." He views the criticism of academics for lacking "public" discourse and presence as an attack, especially on feminist academics, but also of all university people.[5] Professionalization itself is "partly achievement from below." With these remarks, Jacoby is dispatched.

Nor does Robbins accept the "reading" — a favorite word — of "the rise of professional-managerial class or stratum in terms of 'consumerism'." In this interpretation, intellectuals become the salespeople or manipulators of advanced capitalism. Robbins objects to the notion that the public does not have its own needs and interests. This leads to some remarkable pronouncements. "What is

4. In his critique of Jacoby [nr] Robbins draws upon a review by one Lynn Garafola. (*New Left Review*, 169 [May-June, 1988], pp. 122-28.) My affection for Jacoby prompts me to point out something which he probably shrugs off. Garafola had broken the story that Jacoby, "a self-proclaimed leftist," was actually a Washington agent; she revealed that he sipped coffee and buttered a croissant with some neo-conservatives at a NEH function. He has big friends in "Today's Washington." *New Left Review* courageously printed her discovery (Lynn Garafola "Reply" in *New Left Review*, 172 [Nov-Dec., 1988], p. 128); the news caused a sensation. Alas, she has been keeping some unsavory company herself. Her measure of a public intellectual was noticed by *The New Yorker*, especially the description of one's living room in its pages. But her favorite publication betrayed her, discovering that Garafola's yuppy Marxism used anti-Semitic sources! See the review of her book (*Diaghilev's Ballets Russes*) by Claudia Roth Pierpont, *New Yorker* (August 20, 1990), pp. 82-90.

5. This recalls Richard Wolff's defense of Marxist jargon. Against Jacoby [nr] Wolff stated that new thinking requires "convoluted and opaque" writing. That no one can read the stuff is only proof how radical it is. "To be clearly and readily understood requires, among other things, that a piece of writing accord with many presumptions and desires in the readers. In the post-1945 United States, this means presumptions and desires deeply colored by hostilities to radicalism, Marxism, and even the reformism of prewar years." The worse the stuff is, the more profound. However he holds out the eternal Marxist hope: lucidity will come with revolutionary upsurges, but not before. "Clearer writing follows as more people struggle." Richard Wolff, Review: "Last Intellectuals" in *Rethinking Marxism*, Vol. 2, No. 1 (Spring, 1989), pp. 138-39.

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happening is less Manichaean: for better or for worse, social customs that had been considered 'nature' or 'second nature' are opening up to new consciousness, new alternatives, new choices. The intellectuals who make such matters their business thus acquire new significance and new authority." Rarely has Left cheerleading been so brazen. (Needless to say, this occasions Robbins to plump the journal he edits: "This 'deeply *cultural* character of the revolution of our times' [Stuart Hall] is one reason for the existence of a journal called *Social Text*.")

Robbins has a problem, which perhaps he shares with other post-modernists. On one hand, he rejects the various "narratives of decline"; for Robbins, intellectuals have no general, public or dissenting role to play. They are like dentists or insurance agents, fighting for better teeth or policies, but not "representing" anyone or anything. He cites an observation of Conor Cruise O'Brien that most American intellectuals seem contented and non-political. Robbins' own analysis leads in exactly this direction: happy critics doing their own thing. Yet he draws back, and becomes — oh, dear! — nostalgic.

He recalls that the term "intellectual" began as a moral invitation to opposition. True, "intellectuals" no longer exist; they have become a varied group of satisfied professionals. What to do? "If there exists no single category today that unites our diverse occupations in a common oppositionality, the topic is still worth discussion because the invitation is still, in some new wording, worth extending. If the intellectual is a figure of the political imagination, a character who cannot be separated from the various political narratives in which he or she appears, grounded in the emergences and declines of successive oppositional forces and institutions, then we must not call for a return of intellectuals to an illusory state of prior autonomy, but must reconsider the political narratives whose peripeteias and denouements have left the intellectual hanging or unraveling. That is, we must consider the intellectual as a character in search of a narrative." Clear? "Professor Robbins, I think I see a student raising a hand in the back of the class." But no! He's gone! Carried off by a hot-air balloon inflated by his own puffing!

Aronowitz reconsiders the Marxist debate on intellectuals from Gramsci to Gouldner, focusing on its "new dimension," the role of the "scientific and technical intelligentsia." He seems to suggest that he hopes the technical intelligentsia would form a new oppositional class have hardly been confirmed. Yet: "It would be a serious mistake to judge various theoretical formulations that posit the relative autonomy of knowledge from capital, and thus the possibility of intellectuals occupying the subject positions of social agents without organic links to other classes, by the inconclusive historical evidence at the political level . . ."

The increasing role of the technical intelligentsia in production, culture, legitimation "may prefigure new forms of political self-representation." Social theory has been slow to evaluate this, since it has concentrated on the literary intellectuals, who have disappeared. Aronowitz adamantly does not accept this theory of decline and academization. "I want to offer an alternative view: . . .

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the university has become a knowledge factory, but also a center of cultural explosion whose impact is as great as that of the independent intellectuals of the 'golden' age." Or more emphatically: "intellectuals may become the only genuine political class."

Alas, these emphatic propositions remain abstract pronouncements or vague hopes. He alludes to French socialists, Greens, and "new avant-gardes," but nothing more. Or he has his own doubts and provides information to undermine the argument. For instance, the French Socialist Party (PS) under Mitterrand has become the "party of technical and managerial intellectuals." Does this smack of liberation? Not exactly. They have surrendered all contact with socialism for power. "The unflinching characteristic of the PS is its taste for power at nearly all costs." So much for the role of the technical intelligentsia.[6]

Radhakrishnan in "Towards an Effective Intellectual: Foucault or Gramsci" brilliantly satirizes post-modern babble — or he has picked up some post-modern software at a clearing house: define the variables and it writes the essay. An example: he seems to think that Jesse Jackson's rainbow coalition embodied Ernesto Laclau's and Chantal Mouffe's theories. "In both cases, given identities are articulated within a relational field whose differential disposition brings Identity and Difference into relationships of mutual accountability." Nicely said.

Jesse Jackson once referred to the need for a new "equation." A mistake, if only because Professor Radhakrishnan plugged it into his software. "The term 'equation' covers a lot of significant ground. With its connotations of equality, it carries the moral urgency of affirmative action and the need to redress existing imbalances and asymmetries. As an algebraic trope, it establishes the valence of any given variable within the equation as a function of the collectively negotiable reality. In other words, given the operational logic of the equation, no variable within it can remain aloof, isolated, and unaffected by the equational process."

Unfortunately, Radhakrishnan proceeds like this. His elegant conclusion: "My critical position is that there is great need to inmix [?!] Gramsci with Foucault: to cultivate and elaborate 'postpolitical' practices but with reference to the reality of the particular histories, and to thematize with increasing complexity the asymmetry of what it means to be global in these 'our regional times'." Perhaps Radhakrishnan can return the software.

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6. Alvin Gouldner's work looms large for Aronowitz and all theorists of intellectuals as a new class. To quote Aronowitz: "Gouldner insists that the old 'moneyed' class is dying, but even more that the old base of capitalist social relations is being eclipsed, not by a revolutionary proletariat, but by the new class of knowledge holders." A nice illustration of the clout of these new intellectuals occurred at Washington University's sociology department; this was a center for new intellectuals, where Gouldner himself and several other rebels, including Paul Piccone, taught. What happened? Washington University did not like its sociology department, and closed it. What did the wider class of intellectuals committed to emancipation do about this blatant display of old-fashioned power? Nothing. Washington University no longer has a sociology department. Gouldner's theory of intellectuals, however, flourishes.

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Andrew Ross breaks ranks; he is an English professor who has written something in English for this book. Of course, it is not for this book; it is a chapter from his book *No Respect*. But in his main argument Ross remains an upbeat *Social Textoid*; he views professors as the new guerillas. Their turf? The steep mountainous terrain of disciplinary codes. He alludes to that grumbler Jacoby [nr] and the "romantic left narratives about the 'decline of public intellectual'." Ross will have none of it. He informs us that intellectuals "who are not self-loathing" examine "their institutional affiliations in order to understand and transform the codes of power that are historically specific to their disciplinary discourses." In other words: attend your departmental meetings; bust codes.

This closes the "Theory" section, after which come three interviews and miscellaneous "historical cases." To be sure, the interviews with Said and Ehrenreich refresh; they are straightforward. Said is questioned about Palestine and his role as an intellectual. One pertinent point: Said notes that on the Left, the word "intellectual" has fallen out of favor; it sounds unhip, recalling a premodern generalist not a savvy specialist. People prefer "the notion of a technical expert or the academic or the professional or the critic."

Robbins sought from Ehrenreich a wholesale condemnation of Jacoby [nr], but does not get satisfaction. She agrees with "the general point" of *The Last Intellectuals* and notes that the "academicization of feminism" is not unalloyed progress. Academic feminists have become insular and isolated; she remarks that academic feminists increasingly spurn speaking at the Socialist Scholars's Conference, since it gives them no professional recognition. In criticism of Jacoby she argues that the key category may be "political" intellectual, not "public;" and that he confuses "public" with "famous."

If the Robbins volume summons up cheery academics, *The 1990 Socialist Register* recalls grim — and humorless — socialists. The post-Marxist academics battle commuter traffic in their pricey jeeps to spend a couple of hours cracking disciplinary codes; then it is off to the sport center. The old socialist intellectuals rev up battered Volkswagens and Volvos and drive six hours to a hopeless protest of a plant closing.[7]

Socialist Register 1990 is not only a book about socialism; it is socialistic. It comes with almost no introduction; no index; and no indication as to whether these essays are new or reprinted (and some are reprinted). Contributors are identified simply by their university, while the Robbins volume gives a choice description of author's past and future works. To its credit, this volume admits

7. One example of its humorless socialism: John Saville surveys a single year of the English periodical *Marxism Today*. He finds it wanting: superficial, provincial, unliterary. Fine, but what could only be a joke, *Marxism Today* launched its own credit card with these words: "You might be feeling a little out of pocket this Christmas," No need, however with the *Marxism Today* credit card, useful for "little luxuries . . . not to mention Saturday's shopping spree. . . . It's accepted all over the country at the most convenient and stylish places. . . . You can't afford to miss out." Okay, this may be sophomoric, but Saville drones about its implications.

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what the Robbins book overlooked: something is amiss among Left intellectuals. More than that it does not do: it simply reaffirms socialism thought.

Its three paragraph introduction tells us that many Left intellectuals have abandoned socialism as a "radical alternative to capitalism." The editors concede that reappraising socialism is essential; however, the recent reconsiderations have led to an "unwarranted" retreat. These essays, the editors write, "provide an analysis and critique of the many forms which the retreat has assumed."

This characterization of sixteen very diverse essays is fair enough. When refuting fashionable or conventional criticisms of Marxism, these essays are often lucid, even compelling; but they fail to confront, or even explain, the reasons for this new revisionism. The authors simply reaffirm Marxist varieties as if nothing in the world has changed. Intellectuals are abandoning Marxism for post-modernist blather? ravings about civil society? jargon about rational choice? But why? No author offers an overview, an effort to fathom the general movements of Left intellectuals in the recent period. Many observe that the "new" critiques of Marxism are old and familiar. True, but unfortunately true of the retorts as well.

In this sense, the first essay, "Seven Types of Obloquy: Travesties of Marxism" by Norman Geras, is characteristic. He skillfully parries the new Marx critics, but nothing more. He ponders that there is so much "ill-informed oversimplification" of Marxist thought by leftists today, even by "serious scholars;" and the "impulse" is growing. He offers examples and types: the work of Jean Cohen, Jon Elster, John Keane and others. They criticize Marx for various reductionism and simplifications. Yet these vulgar critiques of vulgar Marxism have been aired for a century, and convincingly refuted over the last 50 years. Now they return as the latest findings of hip critical theorists. But Geras goes no further; he simply puzzles over the phenomenon.

Pursuing a single concept, "civil society," Ellen Meilsins Wood offers a parallel and more systematic argument. Marxists have rediscovered pluralism and liberalism; yet Wood indicates, these are hardly solutions. Moreover, the criticism of Marxism for overlooking "rights" and "democracy" by the devotees of "civil society" willfully or ignorantly "ignores the bulk of Marxist political theory since the sixties." Much of Wood's argument is on target, but again does not go very far; she barely alludes to the reasons for this rediscovery of civil society. What has driven Marxists to liberalism? Like Geras, she is puzzled. Her first words: "We live in curious times."

Terry Eageleton also snipes away at some hip theorists, who promote endless heterogeneous pluralism as a panacea; he detects in their work a fundamental anti-Marxism. He makes some salient remarks, for instance about the new leftist Holy Trinity "class, race and gender," but once again is silent over the phenomenon of the new anti-Marxism itself; for Eageleton, it is just another chapter in the old game of anti-communism. "It would appear, in fact, that not all that much has changed since the good old post-war days of the End of Ideologies. . . ." But much has changed.

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Of the remaining essays, at least three should be noted: Bryan Palmer's "The Eclipse of Materialism," savages the new social historians — everyone from William Reddy and Stedman Jones to Joan Scott — for promoting a vacant post-structuralism;[8] in one of the few historical studies in the book ("Intellectuals Against the Left: The Case of France") George Ross considers the decline of French Left intellectuals;[9] and Arthur MacEwan's "Why are we still Socialists and Marxists after All of This?" stands virtually alone in facing issues on how the world has changed.

These two books are both collections, and each resists a single judgment; even the Robbins volume contains some worthwhile material, for instance Christopher Prendergast's essay on Paul de Man. As a whole, however, they illustrate more than illuminate the contemporary situation of Left intellectuals. Neither book goes beyond cheering or booing. The Robbins book exemplifies the jargon and self-promotion of the Left academics; *The Register* exemplifies a ritualized renewing of the socialist faith. To be sure, they are not equal; *Socialist Register* offers some careful and instructive essays, while *Intellectuals: Aesthetics. Politics, Academics* serves theoretical nouvelle cuisine: don't expect to eat 'cause there's nothing on your plate.

Russell Jacoby

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8. This is a recast excerpt from his book, *Descent into Discourse: The Reification of Language and the Writing of Social History* (Philadelphia: Temple University Press, 1990).

9. A different version appeared as "The Decline of the Left Intellectual in Modern France," in *Intellectuals in Liberal Democracies*, ed. by Alain G. Gagnon (New York: Praeger, 1987), pp. 43-66.

Habermas and New Social Movements

Stephen K. White, *The Recent Work of Jürgen Habermas: Reason, Justice and Modernity* (Cambridge: Cambridge University Press, 1988), 201 pp.

At a crucial point in his presentation of Habermas' recent writings, White discusses Habermas' account of new social movements. His overprivileging of Habermas' "communicative model" and the linking of this model to Habermas' theory of modernity forces him to provide a superficial interpretation of Habermas' treatment of new social movements. Despite his recognition of the

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role played by Habermas' "general theory of society," he overlooks how the theory of modernity is integrated into the broader framework. This is explained by his conception of Habermas' contribution as representing a research program in the social sciences, i.e., his circumscription of the "core" (9) of such a research program.[1] According to White, the core of this research program is the "quasi-Kantian dimension" (128) of his work: a theory of rationality providing a minimal intersubjectivist model of the subject. Thus the core of Habermas' position is reduced to the communicative model, i.e., what he sees as the reconstructive component (129-30). While this component embraces both communicative action on the synchronic axis and social evolution on the diachronic axis, White privileges the former to the exclusion of the latter. This reduction has serious consequences for his overview of Habermas' recent work, particularly with reference to new social movements.

Despite promises to the contrary (86), White never discusses Habermas' theory of social evolution. Presumably, Habermas' failure to provide support for such a theory makes it unfruitful (170) so that, accordingly, the debate about the theory of social evolution "yields more heat than light" (170). This, however, betrays a lack of familiarity with the relevant literature. At any rate, the essential core of the theory of social evolution Habermas developed in the 1970s has been incorporated into *The Theory of Communicative Action*,[2] the work to which White devotes most of his attention. Since its publication, however, the theory of social evolution has undergone a drastic reformulation as a result of criticism.[3] This reformulation is predicated on the assumption that Habermas' account does not deal adequately with social movements. Such a critique contradicts White's claim that Habermas' research program does not marginalize social movements.[4]

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1. "Habermas' communicative model provides the best available framework, not only for constructing explanations of the behavior of new social movements, but also for understanding why such movements have arisen, and for interpreting what, at a general level, is at stake in the struggles in which they engage. In terms of their behavior, the communicative model is the only one complex enough to provide some comprehension of the peculiar mix of strategic, norm-guided (especially its universalistic quality) and expressive or dramaturgical action such groups engage in." (124). The number between parentheses refer to the page number in White's book.

2. Jürgen Habermas, *The Theory of Communicative Action* (Cambridge: Polity, 1987), Vol. 2, pp. 313-18.

3. Klaus Eder, *Die Vergesellschaftung der Natur: Studien zur sozialen Evolution der praktischen Vernunft* (Frankfurt a.M.: Suhrkamp, 1988), pp. 283-387.

4. For critiques of Habermas' position on social movements, see Thomas McCarthy, *The Critical Theory of Jürgen Habermas* (London: Hutchinson, 1978), pp. 261-71; Johann Arnason, "Review of Jürgen Habermas, *Zur Rekonstruktion des Historischen Materialismus*," *Telos* 39 (Spring 1979), pp. 201-18; Axel Honneth and Hans Joas, *Soziale Handeln und menschliche Natur* (Frankfurt a.M.: Campus Verlag, 1980), now also available as *Social Action and Human Nature* (Cambridge: Cambridge University Press, 1988), pp. 163-66; Günter Frankenberg and Ulrich Rödel, *Von der Volkssouveränität zum Minderheitenschutz* (Frankfurt a.M.: Europäische Verlagsanstalt, 1981); Max Miller, *Kollektive Lernprozesse: Studien zur Grundlegung einer sozialogischen Lerntheorie* (Frankfurt a.M.: Suhrkamp, 1986), pp. 219-20; and Klaus Eder, *Geschichte als Lernprozess? Zur Pathogenese politischer Modernität in Deutschland*

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Recent criticism of Habermas' general theory of society can be framed in terms of "the ontogenetic fallacy."[5] Habermas' failure to deal adequately with social movements can be traced to his mistaken projection of the logical structure of the ontogenetic learning process onto society. This fallacy consists in drawing a conclusion from ontogenesis with respect to the development of culture which can be accounted for only with reference to supra-individual learning processes — an error that can be corrected by introducing "social or collective learning processes." Similarly, this fallacy obtains when one applies the ontogenetic model to the level of evolution — an error that can only be corrected by freeing the theory of social evolution from the universal socio-historical frame to which it has been appended since the ascendancy of the so-called "phylocultural complex"[6] at the turn of the century.

White's emphasis on the communicative model at the expense of the theory of social evolution results in a neutral presentation of Habermas' position. While Habermas remains committed to the abstract dualistic model of system and lifeworld — a model which loses touch with social movements — his critics demonstrate that an alternative model is needed.[7] Various criticisms not only correct Habermas' treatment of social movements as secondary, but also provide a new approach to the problem.[8] In addition to assuming that Habermas'

(Frankfurt a.M.: Suhrkamp, 1985) and *Die Vergesellschaftung der Natur*, *op. cit.*, pp. 283-387. On the whole, their arguments underline the debilitating limitations Habermas imposes on the study of social movements. See Piet Strydom, "The Ontogenetic Fallacy: The Immanent Critique of Habermas' Developmental Logical Theory of Social Evolution," forthcoming in *Theory, Culture and Society*; Piet Strydom, "Collective Learning: Habermas' Concessions and Their Theoretical Implications," in *Philosophy and Social Criticism* 13 (1987), pp. 265-81.

5. Eder, *Die Vergesellschaftung der Natur*, *op. cit.*, pp. 296, 310, 313; Strydom, "The Ontogenetic Fallacy," *op. cit.*

6. Chris Sinha, *Language and Representation: A Socio-Naturalistic Approach to Human Development* (New York and London: Harvester/Wheatsheaf, 1988), pp. 77-110.

7. A summary of the critique is provided by Thomas Saretzki, "Collective Action vs. Functionalism: Some Remarks on Joas' Critique," in *Praxis International* 8 (1988), pp. 52-72.

8. Strategies for the development of a new approach to social movements have been put forward by Johann P. Arnason, *Praxis und Interpretation: Sozialphilosophische Studien* (Frankfurt a.M.: Suhrkamp, 1988), pp. 271, 275-76, 280-81, who emphasizes various alternative projects; Axel Honneth, *Kritik der Macht: Reflexionsstufen einer kritischen Gesellschaftstheorie* (Frankfurt a.M.: Suhrkamp, 1985) and "Moralische Entwicklung und sozial Kampf: Sozialphilosophische Lehren aus Hegels Früwerk," in Honneth et al., eds., *Zwischenbetrachtungen: Im Prozess der Aufklärung: Jürgen Habermas zum 60. Geburtstag* (Frankfurt a.M.: Suhrkamp, 1989), pp. 549-73, who introduces an alternative model of society; Ulrich Rödel, Günter Frankenberg and Helmut Dubiel, *Die demokratische Frage: Ein Essay* (Frankfurt a.M.: Suhrkamp, 1989), who propose a non-functionalist theory of politics and a positive concept of the public sphere; Klaus Eder, *Die Vergesellschaftung der Natur*, *op. cit.*, who formulates a theory of collective learning and incorporates it in a new theory of social evolution so as to bypass Habermas' position on development and evolution. Habermas' response to his critics can be found in his *Die nachholende Revolution: Kleine Politische Schriften VII* (Frankfurt a.M.: Suhrkamp, 1990), pp. 189ff.

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research program does not marginalize social movements, White provides an interpretation of Habermas' position which clashes with the latest analysis of new social movements: what White calls "the two most fundamental lines of criticism which have been directed against Habermas' overall account of reason and modernity" (133). Unlike fashionable post-modernist analyses, these recent developments neither discount the problem of reason *tout court* nor reject modernity in favor of post-modernity. To the extent that they remain within Habermas' framework, they constitute an immanent critique of his position. The two lines of criticism White has in mind are "that Western structures of consciousness, which privilege a cognitive-instrumental relation with *outer* nature, are ultimately to blame for environmental destruction," and "that such structures are intimately involved in the subjection of inner nature: an atrophying of our aesthetic-expressive capacities" (134). Like Habermas, White sees these criticisms as arising from an indefensible subjectivist philosophy. This, however, is not necessarily the case and an immanent critique of Habermas need not presuppose a philosophy of consciousness.

According to White, Habermas' theory is the best available one for an analysis of new social movements because it views them as defensive reactions to the increasing colonization of the lifeworld by the encroaching bureaucratic state and capitalist economy. This is a crude linear explanation presupposing that new situations automatically generate qualitatively new phenomena such as new social movements.[9] It clashes with equally rough cyclical explanations provided by, e.g., Berger,[10] according to which new social movements are a pendulum-like reactive reappearance of age-old anti-modern discontent seeking to demodernize society, and with the analysis of social movements which combines the linear and cyclical approaches incorporating the complementarities of both.

From the perspective of the latter,[11] the history of modernity is not merely the history of major progressive social movements such as the bourgeois and the labor movement, but the history of the interrelation of these major social movements and counter-movements opposed to them, such as the early romantic movement, the socialist utopians, the anarchists and the avant-garde. Whereas the major movement of a particular epoch pitted an alternative project against the dominant modernizing elite, these counter-movements were not only against the modernizing elite but, while generally on the side of the alternative project, they also opposed the major movement. Far from being irrational or regressive, as is assumed by both linear and cyclical approaches, these counter-movements were concerned with aspects of modernity screened out by the major movements. Thus, they sought a *different* kind of modernity. They were by no means irrational and had nothing to do with any so-called Counter-Enlightenment.

9. Karl-Werner Brand, *Neue soziale Bewegungen: Entstehung, Funktion und Perspektive neuer Protestpotentiale* (Opladen: Westdeutscher Verlag, 1982), pp. 50ff.

10. Peter L. Berger et al., *The Homeless Mind: Modernization and Consciousness* (Harmondsworth: Penguin, 1974), pp. 163-91.

11. Eder, *Die Vergesellschaftung der Natur*, op. cit., pp. 225-29, 259-61, 264-66.

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Rather, they were concerned with the basic relation human beings establish with their world and which structures their outlook.

Rejecting the distinction between traditionalism and modernity presupposed by both linear and cyclical approaches, the new synthetic approach distinguishes between a dominant and a suppressed modernity.[12] While Habermas' linear account leads him to overlook counter-movements in favor of major movements, he is occasionally compelled to reintroduce correctives such as "the self-critique of the Enlightenment which is as old as the Enlightenment itself."[13] In addition to separating modernity into dominant and suppressed aspects, the synthetic approach also avoids an over-emphasis on the cognitive dimension by recognizing the significance of the cultural foundations of society which constitute explicitly rational perspectives.[14] The same approach to the old movements and their respective counter-movements must also be extended to new social movements.[15] Habermas' account of new social movements does nothing of the kind. This is borne out by White's presentation. Habermas' approach remains linear even when he attempts to identify the inherent ambiguity of modern institutions and it remains focused on exclusively normative, particularly moral-political, orientations.

Beside noting that Habermas' theory implies a "useful distinction" (124-25) between religious fundamentalism and new social movements, and unconsciously endorsing Habermas' predilection for the feminist movement (142-53), White has little to say about Habermas' typology of new social movements. This typology[16] is based on a distinction between emancipatory and resistance movements — the former being exemplified by the feminist movement as a continuation of bourgeois and socialist emancipatory movements and the latter by new social movements. Within the latter category he distinguishes between movements defending property and status, e.g., the middle class defending neighborhoods against large technical projects (which, on the whole, are less important), and new social movements such as the particularistic defensive movements resisting the encroaching forces of money and bureaucratic power emanating from the

12. *Ibid.*, p. 259. See also E. P. Thompson, *The Making of the English Working Class* (Harmondsworth: Penguin, 1968); Eric J. Hobsbawm and George Rudé, *Captain Swing* (Harmondsworth: Penguin, 1969); Christopher Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution* (Harmondsworth: Penguin, 1972); Peter Bürger, *Theorie der Avantgarde* (Frankfurt a.M.: Suhrkamp, 1974); George Woodcock, ed., *The Anarchist Reader* (Glasgow: Fontana, 1977), particularly the introduction; Peter Worsley, *The Three Worlds: Culture and World Development* (London: Weidenfeld and Nicolson, 1984); and Wolf Schäfer, *Die unvertraute Moderne: Historische Umrisse einer anderen Natur- und Sozialgeschichte* (Frankfurt a.M.: Fischer Verlag, 1985).

13. Jürgen Habermas, "Die neue Intimität zwischen Politik und Kultur," in J. Rüsen *et al.*, eds., *Die Zukunft der Aufklärung* (Frankfurt a.M.: Suhrkamp, 1988), p. 63.

14. Eder, *Die Vergesellschaftung der Natur*, *op. cit.*, pp. 38, 100, 103-222, 276, 279.

15. *Ibid.*, pp. 229, 251-52, 260, 265-66, 268-82.

16. Habermas, *The Theory of Communicative Action*, *op. cit.*, pp. 393-96, also available as Jürgen Habermas, "New Social Movements," in *Telos* 49 (1981), pp. 33-37.

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economic-administrative system. While these latter movements, focusing on "green" problems and, more generally, on the overburdening of communicative infrastructures, interest Habermas insofar as they are the core of what he calls the "new conflict potential" and, in particular, facilitate a shift from the old to the new politics, he is pessimistic about their potential since they also seem confused and have crude notions of rationality or, at any rate, little understanding of communicative rationality. This is why Habermas has been read as seeing these movements as unlikely to transcend their particularism and become emancipatory.[17] White challenges this view. He claims that Habermas not only regards these "new social movements as the best hope for a more 'balanced' institutionalization of the potentials of modernity" (126-27), but also appreciates "the emergence of alternative practices in which there is an enhancement of the moral-practical and aesthetic-expressive dimensions of everyday social life" (138) and, indeed, "sees . . . the utopian . . . concept [of a] balanced use of the potential of cultural modernity . . . as grounded in some of the practices and ideas of new social movements" (139). Habermas' position precludes all this for both theoretical and political reasons: he rejects any utopia of a balanced society as envisioned by the new social movements. While new social movements are potentially rational, within the context of "the new obscurity," they may turn out to have the opposite impact. This becomes clear in view of Eder's claim that new social movements represent a petit-embourgeoisification (*Verkleinbürgerlichung*) of German culture.[18] After all, National Socialism was also an attempt to replace bourgeois with petit-bourgeois culture. Eder interprets "the new obscurity" as a bourgeois reaction to this development.[19] This explains why Habermas sees feminism in the tradition of classical emancipatory movements,[20] and further shows the inadequacy of his typology. In fact, the dialectic of movement and counter-movement applies also to the feminist movement — a movement consisting of various branches, the most important of which are definitely not the emancipatory ones.

Habermas' overemphasis of normative considerations makes it difficult to deal adequately with new social movements. This is further exaggerated in White's interpretation. New social movements are approached from the viewpoint of what White refers to as "the enhancement of a new moral-political orientation: a communicative-ethical one, associated . . . with distinctive understandings of universality, equality and tolerance" (139). The continued urgency of this long-standing issue does not take away from the fact that recent developments concern a different issue altogether: namely the aesthetic-expressive, or

17. Jean Cohen, "Strategy or Identity: New Theoretical Paradigms and Contemporary Social Movements," in *Social Research* 52 (1985), pp. 710-11.

18. Klaus Eder, "Politik und Kultur: Zur kultursoziologischen Analyse politischer Partizipation," in Axel Honneth et al., eds., *Zwischenbetrachtungen*, *op. cit.*, pp. 519-48, here 541-43.

19. *Ibid.*, p. 543.

20. Habermas, *The Theory of Communicative Action*, *op. cit.*, p. 393.

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symbolic one. Like Habermas, White refers to the "aesthetic-expressive dimension of everyday social life" and to the "necessity for more flexible need interpretations" (138-139),[21] but they both do so from a restrictive viewpoint that remains stuck in the problem of normatively regulated participation belonging to an earlier level of development. Hence they cannot come to terms with the problem of the expressive-symbolic foundations of society.[22] By focusing on the theory of forms of understanding, i.e., the centerpiece of the theory of communicative action which mediates between universal pragmatics and the theory of evolution (something White neglects), Arnason[23] has demonstrated that Habermas overemphasizes consensual principles and obligations to such an extent that he restricts the potentialities of modernity to one particular interpretation. As a result, alternative projects are automatically screened out. It is a matter of creating space not just for communicative action beyond the economic-administrative system, but also for expressivity beyond communicative action in the particular Habermasian sense. As long as this is ignored, it remains impossible to deal with today's most challenging problem and with the most radical of the new social movements. Over and above the institutionalization of science and the business enterprise, on the one hand, and law and the political public sphere, on the other, these movements are concerned with the institutional possibilities of an expressive form of life and their implications for the rationalization of society.

For the same reason, it is pretentious to claim, as White and Habermas' followers do, that Habermas' position is "a significant advance over the views of Foucault "insofar as the former identifies common elements in the new social movements" (142). Foucault can identify common elements in new social movements as well as Habermas, but radically different ones. It is not a matter of Foucault fumbling towards the normative foundations of society. Far from being concerned with this Parsonian residue in social theory, so important to Habermas,[24] Foucault confronts the new problem of the creative activity

21. Since the late 1980s, a concerted effort is underway in Critical Theory to come to terms with and appropriate the problematic of culture without surrendering the achievements of the Enlightenment. See Rüsen *et al.*, eds, *Die Zukunft der Aufklärung*, *op. cit.*; Rainer Erd, *et al.*, eds., *Kritische Theorie und Kultur* (Frankfurt a.M.: Suhrkamp, 1989).

22. Eder, *Die Vergesellschaftung der Natur*, *op. cit.*, p. 275. Cf. also Richard Münch, *Die Struktur der Moderne: Grundmuster und differentielle Gestaltung des institutionellen Aufbaus der modernen Gesellschaften* (Frankfurt a.M.: Suhrkamp, 1984), pp. 119-26. A similar argument is developed against Habermas from Lyotard's perspective by Manfred Frank, *Die Grenzen der Verständigung: Ein Geistergespräch zwischen Lyotard und Habermas* (Frankfurt a.M.: Suhrkamp, 1988), pp. 63-64, and Manfred Frank, "Gibt es rational unentscheidbare Konflikte im Verständigungshandeln? Jürgen Habermas zum 60. Geburtstag," in Frank, *Das Sagbare und das Unsagbare: Studien zur deutsch-französischen Hermeneutik und Texttheorie* (Frankfurt a.M.: Suhrkamp, 1989 new enlarged edition), pp. 590-607.

23. Arnason, *Praxis und Interpretation*, *op. cit.*, pp. 266-81.

24. Cf. the critique of Habermas in Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge: Polity Press, 1986), p. xxxvii.

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of social groups as collective actors: "the self-assertion of suppressed forms of knowledge,"[25] whereby the aesthetic-expressive moment is crucial. While he does not provide a worked out position, this approach is more relevant to an analysis of the radically novel aspect of new social movements than Habermas' normative emphasis in his interpretation of modernity.[26]

Today, neither the political question raised by the bourgeois movement nor the social question raised by the labor movement is radical, since freedom and justice, although not yet fully realized, have significantly changed society. The problem now is that of nature and our relation to it. This is what separates new from old social movements. Counter-movements have focused on the question of nature for the last three centuries. Only with the emergence of new social movements, however, has this question finally become a major concern. This question confronts contemporary society with the alternatives of either continuing the mastery of nature (while building into it an awareness of its negative consequences and a willingness to take corrective action), or of a radical evolutionary change on the basis of a non-exploitative relation to nature. Habermas cannot deal with this problem and White's explication of Habermas' position on the subject remains throughout oblivious of this latter evolutionary option.

The interpretation of new social movements as engaged in the changing of the cultural symbolic foundations of society throws light on the limits of White's account of what is at issue (123-125). According to this position, the most characteristic feature of the new social movements is their defensive and self-limiting radicalism in the sense that they "do not support totalistic revolutionary programs, either for generating a traditional revolutionary ideology or for smashing the institutions of capitalism" (125). The fact that new social movements are not "collective revolutionary subjects speaking in the name of all of society and seeking to take over the economy and polity" (123) does not diminish the radicality of their expressive revolution.[27] To the extent that they are concerned with nature, new social movements seem to be more offensive and totalizing than Habermas and many of his interpreters think. Habermas' negative image of them as involved in an "unending border conflict" between system and

25. Cited in Walter Privitera, *Stilprobleme: Zur Epistemologie Michel Foucaults* (Meisenheim: Anton Hain, 1990), p. 105. In this work, originally a dissertation completed under Habermas in 1987, Privitera works out this aspect of Foucault's position but ultimately succumbs to the Habermasian emphasis on a particular interpretation of the normative.

26. For a clarification of the stakes at issue here from the expressive-symbolic viewpoint, see Eder, *Die Vergesellschaftung der Natur*, *op. cit.*, 225-82.

27. Talcott Parsons, *Action Theory and the Human Condition* (New York: Free Press, 1978), pp. 320-22, speaks of the "expressive revolution" as a "change . . . in the relative standing of different components of the inherited value system," but then continues to link it too closely to "a new religious movement" and "the new religion." The concept was subsequently used by Münch, *Die Struktur der Moderne*, *op. cit.*, pp. 125 and 643, to criticize Habermas. Neither of them, however, establishes a connection with new social movements and the question of nature.

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lifeworld[28] can be corrected, and their potential as "carriers of a [new] collective identity" (126-27) can be appreciated only by giving up this limiting perspective. Yet an appreciation of the rational potential of new social movements on the aesthetic-expressive level makes it all the more imperative to be aware of their potential for irrationality on the normative or moral-political level.

Piet Strydom

28. Habermas speaks of "(t)he new conflicts aris(ing) along the seams between system and lifeworld" in *The Theory of Communicative Action*, Vol. 2, *op. cit.*, p. 395.

Out of Control?

Anthony Giddens, *The Consequences of Modernity* (Stanford, CA: Stanford University Press, 1990), x+186 pp.

For Giddens, modernity can be defined in terms of the "modes of social life or organization which emerged in Europe from about the 17th century onwards and which subsequently became more or less worldwide in their influence" (1). In pre-modern social systems, tradition "is a means of handling time and space, which inserts any particular activity or experience within the continuity of past, present, and future, these in turn being structured by recurrent social practices" (37). That is, time and space are intimately entwined. The horizons of social life are restricted. But modernity articulates a radically different attitude towards time and space because the world has become disenchanted. The forms and institutions characteristic of modernity are disembodied from local contexts and instead of the certainties of intimate connection with time and place, they derive legitimacy from their relation with expert systems of knowledge and symbolic tokens, such as money (21-22). Modernity involves systems of interaction which emphasize the global dimensions of social life, irrespective of any individual.

Consequently, modernity is characterized by a wholesale reflexivity concerned with the Wittgensteinian problem of "knowing how to go on." (38) Traditional societies do not need to know this simply because they lack the historical awareness implied by the possibility of an open future. In traditional societies, the future will be exactly the same as the present, and the present is the same as the past. But "modernity is inherently future-oriented, such that the

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'future' has the status of counterfactual modeling" (177): the future is a realm of possibility and, therefore, it can be filled with any utopian (or dystopian) visions. Thus Giddens is retelling the story of the progressive disenchantment of the world and the deepening of social self-awareness.

Other thinkers such as Marx, Durkheim and Weber assumed that disenchantment entailed, in principle at least, that social relations could be changed and made more rational. At any rate, modernity involves a high degree of uncertainty (39). The traditional world is one in which there is no reason to revise the canons of the predominant system of meanings. Time and space pose no threat. Modernity presupposes the perpetual and remorseless ability to deepen self-understanding. Its institutions are also free of any spatial and temporal restrictions, and are thus without roots. One of the paradigmatic statements of modernity may have been Popper's: modernity is the certainty that nothing is certain, that what is taken for granted today is open to disproof tomorrow. Although the architects of modernity, "looked for certainties to replace pre-established dogmas, modernity effectively involves the institutionalization of doubt" (176).

For Giddens, the death of God has left modernity staring into an existential abyss. He pays attention to the personal experience of modern social relations and accepts Simmel's claim "that in modern social life many people, much of the time, interact with others who are strangers to them" (80). In modernity, social life is shaped only by abstractions. Given this instability, how is social life possible at all? According to Giddens, what makes it possible is the networks of *trust*. The discussion of trust takes up much of *The Consequences of Modernity* and links this book with Giddens' other work.[1] Trust is social reciprocity in a world where we all depend on one another: "Trust may be defined as confidence in the reliability of a person or system, regarding a given set of outcomes or events, where that confidence expresses a faith in the probity or love of another, or in the correctness of abstract principles (technical knowledge)" (34).

Giddens provides a number of illustrations of trust to show how it transcends traditional considerations of time and space. He believes that networks of trust are absolutely fundamental in modernity, since metaphysical certainty is chimerical. These trust relations of modernity presuppose a highly developed social differentiation. Giddens, however, does not indicate whether the values of trust reflect an already agreed upon set of social norms, or whether they arise from competing claims and interests. What threatens the networks of trust, and yet makes them so important, is risk: the possibility that human actions can have unanticipated consequences (30). Along with "trust," Giddens derives the concept of risk from Luhmann.[2] They are intimately linked since, as Luhmann points out, trust can only be understood in relation to risk. The latter replaced fate, which explained

1. See Anthony Giddens, *The Constitution of Society* (Cambridge: Polity, 1984); *The Nation-State and Violence* (Cambridge: Polity, 1985).

2. For example, Niklas Luhmann, *Trust and Power* (Chichester: Wiley, 1979); "Familiarity, Confidence, Trust: Problems and Alternatives" in Diego Gambetta, ed., *Trust: Making and Breaking Cooperative Relations* (Oxford: Blackwell, 1988).

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human and social failure in terms of supernatural causes and, instead, stresses that unanticipated consequences are attributable to our own decisions. Moreover, the technological processes associated with modernity have made sure that trust and risk are crucial. Thanks to technology, we know, "the *inevitability* of living with dangers which are . . . of high *intensity* and *life-threatening* for millions of human beings and potentially for the whole of humanity" (131).

Modernity, then, is typified by the figure of an incompetent Faust: social systems have been able to use knowledge, self-reflexivity and independence from tradition to produce a powerful technology which has also transformed basic existence. But technology has exceeded the experts' abilities to control it. For example, the thinking which is ostensibly used to legitimate nuclear weapons is incoherent even for the engineers: "We can never be sure that deterrence 'works,' short of the actual occurrence of a nuclear combat — which shows that it does not" (128). Much of what Giddens identifies as typical of modernity, such as ontological and epistemological uncertainty, globalization, anonymity, and an ironic road to death, is much like what other writers associate with post-modernity. Giddens is skeptical about post-modernity, and he is unprepared to accept it as a description of contemporary social life. He rejects the Lyotardian rejection of metanarratives on the grounds that, if anyone really did think that metanarratives had collapsed, "they could scarcely write a book about it" (47). Moreover: "To speak of post-modernity as superceding modernity appears to invoke that very thing which is declared (now) to be impossible: giving some coherence to history and pinpointing our place in it." (47)

According to him, the present is best understood as modernity coming to understand itself (48): *high modernity*. In other words, the interrogation of the foundations of knowledge and being are merely demonstrations "of the reflexivity inherent in modernity itself" (49). What is called post-modernity is only a product of the reflexive dialectic of modernity. Giddens is happy to identify his own enterprise as part of that reflexivity, as part of the *double hermeneutic* (the use of history to make history). The point is that, since modernity is intrinsically reflexive, its core narratives are similarly concerned to deepen self-knowledge. This means that sociology as a form of expert knowledge is implicated in modernity itself, since sociology is a knowledge which feeds back into its subject matter and thus alters it. Giddens almost identifies sociology with reflexivity (45). Not surprisingly, Giddens is uneasy with a post-modernity which questions the fundamental assumptions which make his sociology possible. The concept of the double hermeneutic is merely a recent, and perhaps a last-gasp, systematization of the image propagated by the intellectual legislators of modernity that they have something authoritative, unique and practical to say to their contemporaries. But post-modernity throws a huge question mark against that assumption — a question mark Giddens simply ignores (unlike, e.g., Touraine, who asks whether sociology is still the study of society).[3]

3. Alain Touraine, "Is Sociology Still the Study of Society?" *Thesis Eleven*, no. 23 (1989).

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Giddens does not totally reject post-modernity, even though he is concerned to redefine it in terms of a sociology of modernity. He understands post-modernity to be an immanent process: the realization of trends inherent within the institutional forms of modernity unfolding towards a multilayered democratic participation, demilitarization, a post-scarcity economic system and a humanization of technology (164). He does not claim that the way to this post-modern order is easy (to do that would be to reject the lessons of modernity, and for that matter his own analysis of it). Rather, Giddens identifies post-modernity as the realization of the self-proclaimed ideals of modernity: modernity with improved institutions of trust. He calls this *utopian realism* (154).

The problem here is that it is questionable whether modernity involves a qualification of the social ability to control the world. Modernity does involve profound dangers. But are they the product of a loss of control, as Giddens argues, or are they rooted in manageable, and managed, social relations? Part of the problem here is due to Giddens' failure to clarify what control means. For example, he says that we do not experience the world as something subject to our control, but at no time does he indicate whether control relates to the ability to regulate, or to the exercise of authority, or to restraint (151). Moreover, the agents of these different relations are also left more than a little vague. Apart from an emphasis upon experts and expert systems of knowledge, Giddens seems to deploy humanistic (and characteristically modern) categories of agency which do not distinguish between different social groups.

The point is that while modernity may involve a subjective experience of a loss of control for some social groups, it also involves the awareness of a profound ability to control on the part of others. The relations surrounding control are complex precisely because modernity is inextricable from the ability of certain social groups to practice a legitimate reflexivity in contradistinction to other social groups. Put another way, the double hermeneutic is not simply an event in thought, it is also a social relation predicated on the activity of some groups, and the passivity of others. Moreover, since modernity involves the recognition of the possibility of alternative social arrangements, it is also the era of *freedom*. Consequently, those social groups able to exercise freedom are able to regulate the activities of others. Those free social groups become the legislators and the subjective controllers of modernity.

They achieve this because of tendencies within modernity itself. Giddens is right to see the emergence of modernity in disenchantment, but modernity also emerged in the rapidly expanding consciousness of urbanization which typified Europe in the late 18th and early 19th centuries. Consequently, as Simmel clearly saw, modernity is the era of the stranger. Simmel, of course, emphasized the dark side of the stranger. But the stranger also possesses a profound social creativity. He has no necessary connection to local social relations, and so he is able to view them objectively. He can treat social relations as something to be made and re-made, rather than as something here and immutable. But these strangers are not an homogeneous group. The position of the stranger is

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important physically (i.e., urban), but it can also be a product of the permeation of cosmopolitan hermeneutic systems. The communication systems of modernity mean that some subjects are actual or potential *cognitive strangers* (a classic example of this is Rousseau). The typical cognitive stranger is the intellectual who proclaims a commitment to knowledge systems which are fully reflexive because they are disembedded from time and place and unconcerned with the social position of the speaker. In other words, cognitive strangers are an embodiment of the new spatial context of modernity and of the ideal of an undistorted reflexivity. Consequently, they are also the embodiment of modernity. To the extent that cognitive strangers have been able to consolidate and reproduce their claims to being a crystallization of the process of urbanization and the possibility of undistorted communication, they have been the controlling agents of modernity.

The control has consisted in the establishment and legitimation of the relations implied in the double hermeneutic: the ability of one social group to establish itself and its knowledge as a guiding principle for the activities of others. This is control as authority. But it edges into control as regulation where those others do not participate in the activities the expert systems authorize. Arguably, modernity is nothing other than the social awareness that social relations obey no supermundane plan, and that they are wholly under social control, given the mobilization of adequate cognitive and strategic resources by adequate agents. Modernity is not the institutionalization of doubt. On the contrary it is the institutionalization and the practice of an astonishing certainty, and an attempt to thoroughly *extirpate doubt*.[4]

Giddens is right to examine the dark side of modernity, but that dark side is not the result of a lack of social control, or of doubt. He presents the problems associated with modernity as a consequence of the inability of social relations to guide and purposefully manage their own material products. Giddens' commitment to the humanistic categories of modernity (which expressed the struggles of the cognitive strangers to universalize their authority) creates a blind spot between groups established as agents and objects. For example, the Holocaust, which can be seen as the darkest of all the moments of modernity for its victims (objects), can, from the grotesque viewpoint of its practitioners (agents), be seen as a great success. Industrialized mass murder, the very thought and the very practice, was impossible without the problems and possibilities associated with modernity. Yet, although modernity was a precondition for the Holocaust, just as it is the precondition for different trust and risk scenarios, it was not, by itself, sufficient. The Holocaust did not occur because modernity was out of control; it occurred precisely because modernity is, and nourishes, the confidence that some social groups are able to regulate everything to universalize their definitions of freedom. As one of the consequences of modernity, the Holocaust is also a consequence of social relations

4. Zygmunt Bauman, *Modernity and the Holocaust* (Oxford: Polity, 1989).

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of confidence and control, which occurs with the institutionalization of doubt and the systematic loss of control.

Such is modernity: the institutionalization and routinization of certainty and the anathematization of doubt. That is its central strategy, and its main goal. Modernity is the wish and the ability of the cognitive strangers to legislate throughout the world and regulate all other social subjects. According to the drafters of those plans, there can be no doubt that all will eventually be for the best. Modernity goes on through the confidence of some social groups that they are able to discover and practice the most advantageous way of making the future accord to the designs which are made for it. Thus, modernity is also the extermination of those groups or individuals who are irrelevant from the perspective of those designs. Here Giddens has missed the social dialectic at the heart of modernity, and indeed the key to understanding the experience of modernity. He fails to see that not all social groups experience modernity as something out of control. Modernity contains different social sites. Some groups are indeed possessed of the confidence that they are in complete control.

But the dialectic of modernity may be something only of historical importance. Modernity may be replaced by post-modernity. One can follow Giddens some of the way and identify post-modernity as the product of tendencies immanent in modernity, but these tendencies are not the ones he thinks. If modernity was the consequence of the disenchantment of the world, post-modernity could be understood as disenchantment with disenchantment. It is the manifestation of socially generated doubts about the ability of some exclusive social groups to practice universal authority and regulation. Few seem to believe the claim of technocrats or, for that matter, of philosophers, that they know what is best and should therefore be invested with authority. Consequently, post-modernity implies a pluralization of hermeneutic systems and a multiplication of ways of going on in the world. Since no one knowledge is invested with the legitimacy to feed back into social relations on the grounds that it has unravelled their truth, there is also a collapse of any kind of universality. Under conditions of post-modernity, there is indeed the possibility that anything might go.

The problem is that, because of the very nature of post-modernity, it is impossible to know which way things will go. For Giddens, post-modernity can be generally equated with institutional transformations. But post-modernity will probably go much further than that; it will involve a transformation of the very social system. Modernity lives by the myth that it needs to go on, and that it knows how to do so. Post-modernity is likely to be far more ambivalent, far more doubting (even if this means that the conflicts around the sites of doubt will be especially violent). Ironically, post-modernity might well turn out to be something like Giddens' institutionalization of doubt.

Giddens' own project is based on the faith that critical thought has something important to say. But if post-modernity is indeed a disenchantment with the confident and ambitious plans our priests and engineers have developed, then the connections with social life which Giddens believes should stimulate

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and legitimate thought, will be irrevocably torn apart. In the age of post-modernity, critical thought will be desperately exciting for critical thinkers, and utterly trivial for every one else. Like sociology, critical thought will not have the authority to produce and reproduce itself as anything except a marginal concern. If one of the consequences of modernity is the valuable insight and cognitive potential of social thought which Giddens achieves in this book, then one of the consequences of post-modernity will be his, and our, absolute irrelevance.

Keith Tester

Pragmatism, Organic Intellectuals and Social Transformation

Cornel West, *The American Evasion of Philosophy: A Genealogy of Pragmatism* (The University of Wisconsin Press: Madison, WI and London, 1989), 279pp.

West's study of American pragmatism attempts to redefine the social and political role of intellectuals in the American context. Drawing on Gramsci's discussion of "organic" and "traditional" intellectuals, West argues that most philosophers believe they have transcended contemporary problems and have used their privileged viewpoint to ponder transhistorical truths about the world and knowledge. The urge to transcend the contingency of social systems and to discover foundations for universal knowledge is misconceived. By ignoring their social position and obligation in favor of focusing on irrelevant issues, traditional intellectuals have become isolated from politics. This has come at the cost of social and political thought. Descartes, Locke, Hume, Kant, and Hegel all fall into this traditional camp (36). Only a few "exceptions" have grasped their social role and put the "good" before the "true." Thinkers such as Rousseau, Marx, Nietzsche, Gramsci and — West's specific focus — Emerson and later American pragmatists make the list of West's organic intellectuals (5, 9-10, 218). It is the organic intellectual who is called upon to strip "the profession of philosophy of its pretense, disclose its affiliations with structures of power (both rhetorical and political) rooted in the past, and enact intellectual practices, i.e., produce texts of various sorts and styles, that invigorate

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and unsettle one's culture and society" (37). This call for the evasion of philosophy is specifically described through the central figure of American pragmatism, Emerson: "Emerson evades modern philosophy not because it is wrong, unjustified, or uninteresting, but rather because it is antiquated, anachronistic, and outdated relative to his chosen tasks" (36).

The allure of pragmatism for West lies in its strong commitment to social criticism, which forms a "deep intellectual vocation" impelling ". . . the major American pragmatists to be organic intellectuals of some sort" (5-6). Pragmatism contains the fundamental revision of philosophical categories necessary for the recognition that human interests and historical development play a determining role in the production of knowledge. The pragmatist view of knowledge as social inquiry, in which truth is defined as "warranted assertability" rather than "correspondence to reality," is central for social engagement and criticism of epistemic privilege which traditional philosophy disdains. According to West, the critique of epistemic privilege and social engagement are connected through the belief that privilege, be it in social affairs or knowledge, is but a mask for contingent human practices, which are transformable and can be organized in an egalitarian fashion. The belief that restrictions on thought are the product of social relations removes the host of false assumptions people hold about reality's constraints on human action. Thus, they free people to alter injust social conditions that require such ideological props.

West's argument against traditional philosophy thus claims that certain philosophical notions establish privilege with respect to select human practices. Traditional philosophy is especially harmful for the Left, since it adds to the already substantial obstacles to the mobilization of popular activism. He develops this in his discussion of Emerson's political insight into philosophy. Emerson saw that ". . . reason, formal thought, foundations, certainty were not only far removed from the dynamism of human experience; they also were human creations that appear as detached abstractions which command their creators and thereby constrain their creators' freedom" (212). Accordingly, any view that legitimates knowledge above and beyond social legitimacy by appeal to a transcendent force (such as objectivity) establishes undue limits on social activity. This attempt to emphasize the political implications of philosophy does not restrict itself to criticism of the ideological features of traditional intellectual practices, i.e., the investigation of the politics of purportedly neutral institutions, facts and methodologies. Rather, it goes beyond this to call for the abandonment of traditional practices, since certain theoretical activities are considered incompatible with political engagement.

West, however, equivocates between the two distinct "evasive" strategies. This has consequences for his categorization of modern philosophers as either organic or traditional as well as for his defense of American pragmatism. If the definition of an organic intellectual is someone whose intellectual labor is devoted to social and political struggle on behalf of a social group, this will generate one classification. If the definition hinges on differences in basic

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philosophical commitments, it will generate a very different result. Thus, West uses the latter distinction to describe Locke as traditional and Emerson as organic. The distinction does not work in this case since, as West notes, Emerson's discussion of the archetype of knowledge as a transparent eyeball is clearly within traditional epistemological concerns. At the same time, West ignores Locke's political writings. Was Locke's epistemological preoccupation harmful to his social and political concerns? This point is not addressed.

Although West sometimes claims that the evasion of epistemology is not a matter of avoiding error but of correct emphasis, his defense of pragmatism needs a stronger argument: his division between traditional and organic intellectuals rests on whether or not a philosopher has certain epistemological concerns. The criterion for the "organic" label thus becomes social commitment minus epistemological doubt. West fails to show that epistemology does, indeed, bear pernicious consequences. Furthermore, West's turn to pragmatism as *the hope for the Left in America* relies on a contradictory treatment of European philosophy. He dismisses the abstract projects of Descartes, Locke, Hume, Kant, and Hegel. At the same time, he claims Gramsci as his inspiration and Nietzsche and Marx as the sources of his discussion of socially engaged philosophy. Here, West fails to address the dialectical relation that his own list of organic intellectuals bears with the very tradition he repudiates.

Yet even those European "organic" philosophies which West is willing to consider are found lacking when applied to an American context. While Marxism, structuralism and poststructuralism have contributed to the development of Left culture in America, they do not adequately address American problems due to ". . . their ultimate inability to come to terms with the specificity of our contemporary predicament" (4). From this discussion it is unclear what is the uniqueness of the American situation and why European critical thought cannot adapt to the American context: is it because the two societies are radically different or because critical traditions require an essentially local character? Both these positions are far from obvious. It remains to be explained what is the common element in European social philosophy or European traditions which has not allowed them to adapt to substantially varied contexts, especially when West draws on a peculiarly European thinker such as Gramsci. What is most troubling about West's position here is the justification of a theoretical position from a culturally privileged position which results from his critique of Eurocentrism. Pragmatism is promoted in part because it is ". . . the best America has to offer . . ." (8).

The supposedly inherent deficiency of European social philosophy appears even less convincing as West details the social and political failures of America's own pragmatists. What is common in American pragmatists is their displacement of traditional philosophical problems by a cultural criticism promoting social democracy: ". . . [pragmatism's] common denominator consists of a future-oriented instrumentalism that tries to deploy thought as a weapon to enable more effective action. Its basic impulse is a plebeian radicalism that

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fuels an antipatrician rebelliousness for the moral aim of enriching individuals and expanding democracy" (5). West's account of the central figures in the pragmatist tradition is a long list of commitments to democratic society and some reformist activity. Yet he is critical of pragmatism's social and political development and its many embarrassing political judgments: "This rebelliousness, rooted in the anticolonial heritage of the country, is severely restricted by an ethnocentricism and a patriotism cognizant of the exclusion of peoples of color, certain immigrants, and women, yet fearful of the subversive demands these excluded peoples might make and enact" (5).

The conditions of pragmatism's genesis promoted parochialism, an individualism that kept slipping into a justification of imperialist frontiersmanship, and a fear of revolutionary transformations from below. Thus, West praises Emerson for his concern with power structures, democracy, individual rights and human freedom. Emerson's humanist vision, however, was politically ineffective. His individualism and distrust of the masses reveal a democratic rhetoric typical of his own petit-bourgeois class. West champions Emerson as the guiding figure of the pragmatic tradition, and yet criticizes his success as a public figure for it resulted from a weak political program and an apologetic moralizing (39). According to West, to be effective, social criticism must be joined with oppositional traditions. Yet West's attempt to link the success of such a venture with emancipation from epistemic privilege and with the pragmatist tradition is unconvincing.

West's reading of the tradition of pragmatism as a form of social criticism rooted in North American culture explains how he can both condemn and praise Emerson in particular, and pragmatism in general. He justifies this reading as an appeal to a socially-oriented tradition in pragmatism: it is ". . . an explicitly political interpretation without, I hope, being pejoratively ideological" (6). Neither James nor Peirce are extensively examined primarily because they do not fit his view of pragmatism as social theory. But what negative aspects of ideology is West attempting to elude? In his words, he is being selective for his own "purposes" (6). In other words, Peirce's and James' epistemological views suit West's purposes. He approves of Peirce's stress on the social and human character of scientific knowledge and his treatment of truth as "warranted assertability," as well as James' related emphasis on the fallibility and interestedness of thought. John Dewey features more prominently in West's book, both for his epistemological views as well as his social and political thought. Pragmatism's humanization of knowledge is developed by Dewey in his experiential solution to subject-object problems in traditional epistemology. His concept of cognition as instrumental activity is discussed to explain how science became authoritative through its powerful instrumental impact rather than by any privileged scientific method. Dewey's great advance over Emerson in cultural criticism is said to lie in the depiction of institutions and social life as historically formed. Moreover, Dewey retains a concern for the individual while recognizing the importance of collectives and institutions. But, again, West wants it both ways. While ". . it is with Dewey that American pragmatism

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achieves intellectual maturity, historical scope, and political engagement" (6), he is critical of Dewey's politics. Dewey's activism was almost exclusively educational reform, a choice reflecting Dewey's fear regarding his professional position and his middle-class preference for educational options for social change. Therefore, for West, Dewey's attempt to bridge liberalism and Marxism resulted in a weak political program because of his narrow concern with educational reform and his parochial attitude to social organization.

After Dewey, West claims that pragmatism declined until Quine and Rorty came of age. Rorty, especially, ". . . strikes a death blow to modern North Atlantic philosophy . . ." (201) by carrying to the ultimate conclusion the pragmatist arguments against traditional epistemology. This has opened up areas of thought to social criticism hitherto monopolized by philosophy. Again, while West approves of this general philosophical orientation, he criticizes Rorty's politics. Accordingly, Rorty confines his criticism to the academy and thus ignores the social and the political: "To undermine the privileged philosophic notions of necessity, universality, rationality, objectivity, and transcendentality without acknowledging and accenting the oppressive deeds done under the ideological aegis of these notions is to write an intellectual and homogeneous history, a history which fervently attacks epistemological privilege but remains relatively silent about forms of political, economic, racial, and sexual privilege" (208).

The tenuous criticism of epistemic and social privilege which West develops is illustrated in the discussion of Rorty. Epistemology is presented as the primary culprit in the transformation of social relations into natural ones, since it lends authority to this appearance of naturalness through such labels as objectivity, realism and truth. Rorty's significance lies not in the development of social theory *per se*, but in the opportunities for challenging social privilege which result in his deconstruction of epistemic privilege. West's political argument against traditional philosophy is given credence through the false conflation of several distinct issues in the epistemological debate: the opposition between the natural and the social, the law-governed and the law-transforming, the objective and the subjective, and the authoritative and self-determining. The ideological aspect of certain traditional philosophical views can be addressed in various ways such as clarifying the distinction between the social and the natural. Moreover, belief in the social production of knowledge can be combined with various opposing views about the nature of this product and its relation to human action. The point is that abandoning the ideology does not mean abandoning all or even some of the underlying philosophical views.

By looking for the distinctive features of intellectuals in their activity rather than in the ensemble of social roles they play, West falls into the methodological error that Gramsci himself pointed out. Ideologies can be perpetuated on many levels. Epistemologies may serve ideological purposes either by lending authority to certain views or by removing authority in other areas. West believes that overthrowing epistemic privilege is politically crucial for the Left

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because debunking philosophy reveals the contingency of social life. All social theory has, however, taken the transformability of social life as a given, irrespective of epistemological commitments, and has gone on to analyze which forms of transformation are more probable or desirable. It has been claimed that the analysis of what sort of change is more probable reveals similar ideological misconceptions about social life. West does not go so far, as can be seen in his differential treatment of Roberto Unger and Michel Foucault, who preface his own positive program. Unger and Foucault are not within the pragmatist heritage, but they are said to have affinities with pragmatism. But even Foucault comes under criticism for his ". . . rejection of even tentative aims and provisional ends results in existential rebellion or micropolitical revolt rather than concerted political praxis informed by moral vision and systemic (though flexible) analyses" (226). Instead, West prefer's Unger's "supertheory," which retains the attempt to provide general explanations of social change, over "ultra-theory," which spurns such attempts and is epitomized by Foucault's work. West calls his transformative retrieval of the pragmatic tradition "prophetic pragmatism." The intention is to politicize the philosophical, intellectual, and social tendencies from Emerson to Rorty in order to bring about a "creative democracy," in which ". . . politically adjudicated forms of knowledge are produced in which human participation is encouraged and for which human personalities are enhanced. Social experimentation is the basic norm, yet it is operative only when those who must suffer the consequences have effective control over the institutions that yield the consequences, i.e., access to decision-making processes" (213).

West is guardedly optimistic about the success of his venture. In the face of a depressing political history, he is looking toward organic intellectuals enlightened by the home-grown philosophy of pragmatism to show the possibility for a "creative democracy." Thus, he argues that feminism could be incorporated into the pragmatist tradition, even though pragmatism's aggressive self-confidence has hitherto been a problem. But he himself provides no clue, however, as to how feminism and pragmatism could fit together. The differences between the two are underestimated and he relies on the very assimilative strength of pragmatism which he previously criticized: "[t]his power to subsume aspects of other contending positions permits pragmatism to domesticate and dilute for its own purposes" (64).

West's final chapter provides some vague practical suggestions for the Left. He argues that "tradition" has been given a bad name on the Left, but that traditions are what constitute the stuff of life and that to ignore them is to rule out the major source of "transformative possibilities: oppositional consciousness draws its sustenance principally from a tradition of resistance. To keep alive a sense of alternative ways of life and of struggle requires memory of those who prefigured such life and struggle in the past. In this sense, tradition is to be associated not solely with ignorance and intolerance, prejudice and parochialism, dogmatism and docility. Rather, tradition is also to be identified

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with insight and intelligence, rationality and resistance, critique and contestation. Tradition per se is never a problem, but rather those traditions that have been and are hegemonic over other traditions" (229-230). The organizational programs in his discussion of the black church are posited as an example of a powerful critical tradition. Religion here is singled out as a crucial organizing tool for radical politics — a tool which the Left has largely ignored. Trade unions and political parties function similarly as sources of collective memory. West, however, fails to resolve the mixed legacies of these traditions.

Radicals have always argued for a social theory which emphasized practice rather than abstract rationality. West's version of this, in his approach to the distinction between "traditional" and "organic" intellectuals, actually recalls the criticism made by Marx — one of West's "organic" intellectuals — to such an approach in his First Thesis on Feuerbach: to ignore idealism is to ignore the active side of human conduct which is motivated by moral and normative choices. West's defense of the pragmatist heritage as the inspiration for an engaged social theory is far from convincing. Pragmatism is worth keeping either because it is good social theory or because its evasion of epistemological foundations is the only soil on which to sow such a theory. West fails to show either. His democratic pluralism is meant to adjudicate between traditions, but his assessments of both leave one more confused than enlightened. The question then becomes which traditions are capable of mobilizing people's transformative capabilities. History has shown that they are not always likely to be the ones favored by West.

Peter Trnka

Psychoanalytic Feminism After Marcuse

Jessica Benjamin, *The Bonds of Love* (New York: Pantheon Books, 1988).

Sexual Pleasure or Mutual Recognition?

The left-Freudian voices of the 1960s are now silent. Their successors, psychoanalytic feminists, no longer want to theorize domination in terms of sexuality. They have replaced it with "object relations" and "the inter-subjective view." For Benjamin especially, domination is not the repression of bodily

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desire and the transformation of the body into an instrument of alienated labor but men's denial of the subjectivity of women, the construction of a psychic structure in which "one person must play subject and the other must serve as his object" (7). The polarization of subjectivity and objectivity, masculinity and femininity, is the fundamental structure of domination.

According to object relations theory, Freud mistakenly founded psychoanalysis on the sexual drive, located inside the person and independent of any relation with others. This approach has given way to the view that sexuality is inherently relational. There is no desire for bodily pleasure *per se*; pleasure itself must be "redefined," says Benjamin, as "pleasure in being with the other" (31). Object relations theory sees the primary relation with the mother as a "symbiotic" merger. Speaking for the new inter-subjective view, Benjamin argues that "the infant is never totally undifferentiated from the mother but is primed from the beginning to be interested in and to distinguish itself from the world of others" (18). Therefore, a new psychoanalysis is called for: one "which emphasizes reciprocity as opposed to instinctual gratification" (as in Freud, Reich, Marcuse, Norman O. Brown) or separation-individuation (as in ego psychology and object relations theory) (20).

The notion that only the mother is active, while the baby is passive or merged with an omnipotent mother and that the baby internalizes images of the other to develop the self is, according to Benjamin, founded on "one of the structures of the psyche." But "it is not the only one" (48). There is also a structure of inter-subjective mutuality in which both partners are active, each wants to be recognized as subject, and to recognize the other also as a subject. This generates a differentiation and "mutual attunement" of mother and child as subject relating to subject, a pleasurable affective interchange in which each makes herself known to the other and in which each not only becomes more separate over time but also more capable of "sharing with and appreciating the other" (30). Thus separateness is not forced on a narcissistic child: it is there with narcissism from the beginning. "The sense of oneness coexists with, enhances and is enhanced by rather than conflicting with the sense of separateness" (47). The mutual attunement of mother and child is never perfect; its inevitable failures intensify the child's tendency to escape from the tensions of inter-subjectivity to fantasies of absolute domination, absolute submission, total independence of the other, perfect union with the other. Domination/submission is "a peculiar transposition of the desire for recognition" (56). Thus it is the inter-subjective dimension of the mother-child relation — not infantile sexuality — which succumbs to domination.

According to Benjamin, Marcuse was able to see the possibility of a fundamentally different relation between man and nature in which nature is not dominated — "objectified and instrumentalized but known as an independent subjective other." However, "his adherence to drive theory made him unable to ground it psychoanalytically, because he lacked a model of the psyche in which the self truly seeks to know the outside world and longs for contact with

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the other." He "could only envision connection as a return to oneness, a dedifferentiation and irrationality, a romantic . . . reunion with nature" (191). He "affirms the 'limitless narcissism' of the babe at the breast who does not recognize the mother's, or anyone else's, equal subjectivity. A deeper critique is necessary, one which rejects the terms of sexual polarity, of subject and object, and so rejects any revolt that merely reverses these terms" (177).[1]

Benjamin speaks of a "flexible ego" for whom "the experience of union is simply an excursion. The feeling of losing oneself . . . does not obliterate the self . . . one does not really lose oneself" (174). In mutual recognition, separateness is not experienced as the antithesis of oneness; oneness "could coexist with (enhance and be enhanced by) separateness" (47). The experience of "losing the self in the other and the sense of being truly known for oneself . . . coalesce" (126). This is precisely the regression which can be derived from Marcuse's thought. It is not the case that *only* an inter-subjective theory can give us access to the simultaneity and mutual enhancement of oneness and separateness existing beyond the polarization of subject and object. At the same time, this inter-subjective account has a great deal to contribute to the psychoanalytic grounding of Marcuse's new erotic reality principle. Regression is not simply a *return* to infantile oneness which *retains* adult separateness, but a return to infantile inter-subjectivity from the perspective of a more highly differentiated adult inter-subjectivity. The ego returns to its origins not only because it is "strong" enough to be flexible, to "tolerate" the regression, but because flexibility belongs to its infantile nature.

This also helps us to make sense of Marcuse's concept (borrowed from Charles Odier) of a "maternal super-id" reconciling rational conscience, compassion, and instinctual pleasure, and displacing the punitive paternal super-ego in a nonrepressive civilization. Benjamin shows that we can find in the inter-subjective dimension of the pregenital object relation the sources of an erotic conscience which, unlike the classical Freudian superego, does not depend on the internalization of the authority of the father. "Mutual recognition cannot be achieved through obedience, through identification with the other's power, or through repression. It requires contact with the other" (40). Polymorphous perverse sexuality is not only that which is contained by conscience — it is also what

1. Marcuse's *Eros and Civilization* has been misinterpreted constantly for the past 30 years as a call for the abolition of all repression and for regression to primary narcissism. In fact, however, Marcuse distinguished *basic* from *surplus* repression and advocated a regression to primary narcissism that would coincide with the maintenance of "divisions and boundaries that are real." See my *Repression: Basic and Surplus Repression in Psychoanalytic Theory* (Toronto: University of Toronto Press, 1977). Drawing on Marcuse's "regression in the service of the ego," the surplus repression of narcissistic infantile sexuality can be seen as giving rise to a rigid, super-individuated ego capable of experiencing only separateness, never "regressing" to oneness. The abolition of surplus repression would permit such a regression to primary narcissism. As Marcuse put it, narcissism is the *germ* of a new *reality* principle, in accordance with which "the opposition between . . . subject and object will be overcome" and will "continue to exist." (*Ibid.*, p. 203).

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informs conscience. As Marcuse put it in *Essay on Liberation*, "prior to all ethical behavior in accordance with specific social standards . . . morality is a 'disposition' of the organism . . . rooted in the erotic drive . . ."[2]

If it is difficult to spell out the implications of a new reality principle exclusively in terms of sexuality, it is equally difficult to conceptualize *nature* exclusively in terms of inter-subjectivity. The mutual recognition of consciousness neglects that drive for bodily pleasure, *jouissance*, which is not simply between persons but precedes and transcends all subjectivity and inter-subjectivity and cannot be located simply in the subjects' relationality. Deprivation is more than that of mutual recognition, and satisfaction is more than that of the delineated and interrelated person. The spontaneity, sensuality of living embodied being is larger than self and other.

If there is no sexuality without an object, there is also no object relation without the sexual body. Each side of this equation needs to be conceptualized independently of the other. Sexuality has to be seen in a relational context, and relationality has to be seen in a sexual context. There is no inherently sexless desire for recognition. "Self" and "other" and "inter-subjectivity" are no more immune to reification than "instinctual drive." There is a danger that ideologists of surplus repression will assimilate Benjamin's position to that of the neo-Freudian revisionists criticized by Marcuse for their "defamation of the pleasure principle" in his epilogue to *Eros and Civilization*. Stephen Mitchell, for example, has recently declared that Freud's view of sexuality "as existing apart from and prior to socialization" represents a defensive maneuver, a neurotic escape from "our relational responsibilities."[3] Sexuality is nothing but "a function, an expression of the relational matrix" (87). It is just a language which provides "metaphors for expressing different types of relationships" (91). Mitchell rejects Freud's "romanticization of animals and early man as somehow closer to pleasure," existing within "a realm of unfettered pleasure, free of the tyranny of the object and social necessities."[4] There is no such realm. Human beings are only subjects. Civilization is not based on a rupture of the instinctual life of human beings. There is no such instinctual life. The discontents of civilization can be fully comprehended in terms of the escape of lazy subjects from the demands of mutuality.

That Benjamin would not be open to such a concept of relationality is evident from her restatement — without acknowledgement — of Marcuse's call for regression to polymorphously perverse infantile sexuality: "When the sexual self is represented by the sensual capacities of the whole body, when the totality of space between, outside, and within our bodies becomes the site of

2. Herbert Marcuse, *An Essay on Liberation* (Harmondsworth: Penguin Books, 1973), p. 19.

3. Stephen Mitchell, *Relational Concepts in Psychoanalysis* (Cambridge, MA: Harvard University Press, 1988), p. 122.

4. *Ibid.*, p. 121.

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pleasure, then desire escapes the borders of the imperial phallus and resides on the shores of endless worlds." But she attributes the loss of these capacities not to repression of pregenital sexuality but to the loss of the "early attunement and mutual play of infancy" (130). Can sexuality be entirely subsumed within mutual recognition? Can the pleasure of the whole body be derived theoretically only from inter-subjectivity? Does not the body itself demand recognition? Benjamin would like to theorize polymorphous sexuality, but without theorizing sexuality she is unable to ground it psychoanalytically. Like other object relations theorists, she lacks a model of the psyche as embodied. It is as if the subjects-in-attunement were inevitably, but only empirically, incidentally, accidentally embodied.

Repression of Bisexuality or Gender Polarization?

Benjamin follows Chodorow in dismissing accounts of sexuality and bisexuality, focusing exclusively on the formation of gender identity according to the cultural institution of mother-monopolized child rearing. Because children must become individuals by distinguishing their identities from that of the parent, and because the primary parent, the mother, is always a woman, children turn to the father, the man, and strive to identify with him, the bearer of the idealized phallus, the symbol of difference and separation from the mother. Only in boys is this identification with the father encouraged by both parents. Because boys' first identification is with a member of the opposite sex, they must repudiate that identification in order to achieve a precarious masculine gender identity. In order to be men, they must not be like mother. They must renounce nurturance, acquire icy autonomy, becoming nothing *but* subject, knower and master of the objective external world. Here is the polarization of activity and passivity: "the wholeness of recognition, doing and being done to" (63) succumbs to splitting. The "two sides are represented as opposite and distinct tendencies, available only as alternatives. The subject can play only one side at a time, projecting the opposite side onto the other." Domination/submission displaces mutual recognition and emotional attunement. "Rationality" (Marcuse's "repressive reality principle" or "performance principle") forbids "affective exchange" with the other. "Independence from the mother as object rather than recognition of her as subject constitutes the essence of individuation . . . The image of the other . . . is not that of a vitally real presence but a cognitively perceived object" (77-8). The all-powerful father, "the one who controls" the mother, "is taken as one's ideal" (166). All emotional attunement, empathy, vulnerability, dependence, all feelings of continuity with the other are "now experienced as dangerously close to losing oneself in the other . . . the devaluation of the need for the other becomes a touchstone of adult masculinity." Here is the origin of the "ideal of a self-sufficient individual," the "ideal of individuality and rationality" which is "the chief manifestation of male hegemony" (170-2).

Since she belongs to the same sex as the mother, the girl has no need to

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establish radical separateness from her in order to establish her gender identity: indeed, continuity with the mother, lack of individuation, is equated with being a woman. Mother encourages daughter to maintain continuity, to reproduce her lack of subjectivity, to become a subordinated mother object like her mother before her. The girl is not allowed to identify with father, to separate herself, like the boy, from mother and from helplessness, because of father's need "to assert difference from women." The father will not recognize his daughter as he does his son as a subject like himself. He sees her as "a sweet adorable thing, a nascent sex object." He "offers seduction rather than identification" (109-110).

"What Freud called penis envy, the little girl's masculine" sexuality, says Benjamin, is really her desire to identify with the father as a subject, to be recognized as "one who can will things and make them happen" (102). However, for Benjamin there is nothing particularly relevant to sexuality and sexual repression in the girl's surrender of her desire to identify with her father and her assumption of the identity of woman — the one who idealizes and submits to the domination of the man, who has what she can never possess, the phallus, the symbol of subjectivity split from and mastering objectivity. Benjamin does discuss woman's lack of "sexual agency" (87-91) as an *effect* of woman's loss of recognition as a subject, not as *repression* of the active sexuality of women. Instead of calling for the abolition of surplus repression of bisexuality, Benjamin calls for a dissolution of gender polarity — for "different gender arrangements" in which mother and father no longer represent objectivity as opposed to subjectivity: "both parents can be figures of separation and attachment, both boys and girls can make use of identifications with both parents without being confused about their gender identity" (112). Mothers and daughters would reclaim their subjectivity; fathers and sons would rediscover the capacity to experience dependence and emotional attunement without anxiety.

The inter-subjective view of gender polarization loses an essential feature of the Freudian-Marcusian approach, i.e., its grasp of the sexual character of polarization and its consequent explicit challenge to heterosexism. If the child were no longer compelled to identify exclusively with the parent of the same sex, women would become subjects, men would become empathic and nurturant — *and* the normalcy of gender identity would no longer entail exclusive heterosexuality. Different behavior would become normal. Freedom of the child to identify with each parent — and freedom of each parent to manifest characteristics previously assigned exclusively to the opposite sex — would mean that human qualities presently denigrated as belonging to the "butch" woman, the "dyke," the "sissy," the "faggot" would pervade the private and public spheres of life. Benjamin's failure to theorize sexuality and bisexuality makes it easy for her to avoid any hint of challenge to heterosexism (except in one footnote: "the core sense of belonging to one sex or the other is not compromised by cross-sex identifications and behaviors. The wish to be and do what the other sex does is not pathological, not necessarily a denial of one's own identity. The choice of love object, heterosexual or homosexual, is not

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the determining aspect of gender identity . . ." (133)). The end of patriarchy is not just a new experience of inter-subjectivity. Inter-subjectivity makes it easy to underestimate the magnitude of the changes in sexuality that would follow the abolition of domination.

Benjamin's account of patriarchal domination is an advance not only because of her account of mother-monopolized child rearing, but in an additional and very significant respect: she deconstructs the polarity of activity and passivity, criticizing not only the phallocentric assumption that men must repudiate passivity and women must repress activity, but also Freud's patriarchal assumption that passivity and activity are opposites, alternatives, distinct tendencies which can be realized only one at a time, and that sexual life must first be experienced in terms of the antithesis of activity and passivity.

Benjamin's account makes it clear that the notion of bisexuality suffers from the tendency of psychoanalysis to stress "complementarity in interaction over mutuality. The other is represented as the answer, and the self as the need; the other is the breast, and the self is the hunger . . . This complementarity of activity and passivity forms a dual unity which can be internalized and reversed ('now I'm the Mommy and you're the baby'). The dual unity form has within it this tendency to remain constant even in reversal, never to equalize but simply invert itself within relationships of dependency . . . the complementary dual unity is the basic structure of domination" (47-8). It becomes clear that the salience of the issue of activity-passivity in the psychic life of the preoedipal child is itself a product of surplus repression; and that "bisexuality," if read as two souls (masculine) and (feminine) in one body, is itself a product of the repression of infantile polymorphous, multivalent, sexuality: multisexuality.

Class Domination or Mother-Monopolized Child Rearing?

Close to the beginning of her book, Benjamin states that the psychoanalytic inquiry into domination takes "woman's subordination . . . for granted. Even the most radical of Freudians left strangely untouched psychoanalysis' most profound and unexamined assumption about domination: the subordination of women to men." In her endnotes, she provides a qualification: "Strictly speaking, we must grant that Reich . . . Marcuse . . . and Brown did not ignore the problem of women's subordination. However, in both Reich and Marcuse the discussion of the problem was always elided into the discussion of the social relations of production; the feminist analysis gave way to the Marxian one. For Brown too, male domination was not an independent issue but instead, a way station in culture's denial of death and the instincts" (247). In Marcuse's works there is no extended discussion of the crucial role of the subordination of women in the structure of domination. Marcuse's failure to conceptualize domination in terms other than those of the imposition of toil resulted from the belief that in our civilization patriarchy is sustained only by the requirement for the imposition of toil. It is as if patriarchal structures had no inertia, as if men as a gender-class containing both the exploiters and the exploited

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had no significant common interest in the subordination of women.

Benjamin's insistence, and that of other feminist theorists, that the structure of gender relations must be treated as an "independent issue," is therefore welcome. But not *only* as an independent issue: reading *The Bonds of Love*, one can easily come to the conclusion that even without class society's requirement for hierarchically organized alienated labor, men's need to establish their masculine identity under the circumstances of mother-monopolized child rearing would require the polarization of subject and object, the domination of nature and of woman as nature; that it is gender polarization which (simply) gives rise to class domination. The Marxian analysis gives way to the feminist one. But Benjamin's brief critique, towards the end of her book, of the "limitations of the psychoanalytic feminist approach . . . [of] Chodorow and Dinnerstein" suggests that it is not Benjamin's intention simply to turn the tables on the Freudian Marxists: "Chodorow and Dinnerstein conclude . . . that if both men and women raised children, both would become associated with primary oneness. Presumably then, the child could not resolve the ambivalence toward the earliest parent by splitting . . . males would no longer have to break that bond . . . repudiate and denigrate . . . nurturance and empathy, and this might begin to dissolve the rationality" (217-8) of the performance principle (which is, as Marcuse acknowledged, "the male principle").

Benjamin questions this conclusion: gender polarization would persist even with the end of mother-monopolized child rearing "because parents are not only objects of identification: they actively . . . shape the child's identity in accordance with the culture — continuity in girls, discontinuity in boys." There are a few sentences here about the need for "a radical extension of the feminist critique" to the larger structures of societal rationalization — "the hegemony of formal rules . . . of instrumental knowledge . . . of the accumulation of profit" (216) which are the materializations of the principle of male domination. Gender polarization is a deep structure of civilization as a whole; Benjamin seems very close here to acknowledging that subject-object polarization does not simply spread *from* the man-woman relation *to* larger structures. And in the very last endnote, on the last page of the book, she writes: "I have not tried to name the origin of this structure, to locate it in a specific set of social relations" (294). If the attempt were made, it might carry us down to our repressed memories of Freud's theories of infantile sexuality and Marcuse's challenge to patriarchal class domination in the name of the pleasure principle.

Our knowledge of contemporary gatherer-hunter societies points to the possibility that mother-monopolized child rearing, though it has produced in every human culture an intense focus on gender identity as the central organizing feature of personal identity, a substantial degree of tension and hostility between the sexes, and a ban on perverse and homosexual behavior, gives rise to *subordination* of women — polarization of subjectivity and objectivity —

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only under certain definite economic and social circumstances.[5] This then begs the question: Could it be that mother-monopolized child rearing, whatever its primitive origins, develops into gender polarization as polarization of subject and object only under certain circumstances having to do with competition, war, the state and class? Could it be that mother-monopolized child rearing *and* the patriarchal domination which rises on that foundation cannot be abolished without the abolition of toil? Can we use the languages of intersubjectivity and sexuality, and of gender and class, without needing to *derive* one from the other?

Gad Horowitz

5. Cf. Colin Turnbull, "Mbuti Womanhood," in Frances Dahlberg, ed., *Woman the Gatherer* (New Haven: Yale University Press, 1981), pp. 211-2.

Detheologizing Politics

David Nicholls, *Deity and Domination*. (London: Routledge, 1989), xi+321 pp.

In *Deity and Domination*, David Nicholls sets out to illustrate the relation between political attitudes and theological concepts, particularly over the last two hundred years. Nicholls believes that divine analogies are integrally linked to the dominant political values. Thus, he tries to correlate theistic images with certain general beliefs about sovereignty, autarky, the welfare state, and individual freedom. He does, however, warn against reductionist schemes that make political, economic, or religious paradigms derivative from each other. Hence he expresses reservations about Marxist attempts to trace religious beliefs to materialist causes, specifically forms of production. He likewise criticizes the Catholic counterrevolutionary enterprise, culminating in the work of Carl Schmitt, to view political ideas and regimes as secularized theological concepts. Nicholls opts for an interpretive approach that stresses correspondence between political ideas and changing views of the divine. He focuses primarily on two major political theological paradigms, divine monarchism and the Welfare God. According to him, neither paradigm provides the kind of community in which he and others should have to live. His preferences are for a socialist communitarianism which, however, is never fully explained in his book.

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The image of God as omnipotent, aloof, and subject only to His own inscrutable will goes back to the Old Testament. But Nicholls sees its longest political use beginning in the late Middle Ages. Papalists and Imperialists both worked to transfer the theistic image devised by the Nominalists, i.e., God as pure power, to their own earthly sovereign. William Ockham's "*potentia Dei ordinata absoluta*," came back with appropriate modifications in later defenses of papal, royal and imperial authorities. Carl Schmitt and Hans Barion point out that the Nominalist Deity makes two noticeable appearances in Hobbes' *Leviathan*: in the characterization of the sovereign state as a "mortal god," and in the resurrected Imperialist defense of the sovereign as directly under God and over the Pope. Nicholls traces the longevity of this image of a monarchical deity in the 20th century by locating it in the writings of Schmitt and Barth. Schmitt, the Catholic authoritarian, and Barth, the Protestant socialist, both rejected political liberalism and a view of the Deity as subject to rational understanding.

The Welfare God is a secondary theistic image discussed by Nicholls, mostly through a survey of Anglican social reformers since the late 19th century. The Christian Social Union (established in 1889) and its socially active priests and theologians may not be well known today, but Nicholls cites them as a useful illustration of the attempt to combine the "social question" with the depiction of a giving God. He also demonstrates the recurrence of the same theistic image among neo-Hegelians such as T.H. Green and F.H. Bradley, in early 20th century liberal politicians such as Herbert Asquith and Lord Edward Grey, and in nationalist liberals of the same period, most notably Max Weber. All of them were committed to integrating the working class into the nation state. By proposing that welfare be made available by a benevolent state bureaucracy, they conceived of the Deity from the reformed political order that they advocated.

There are two problems with the book, both having to do with its tendentious nature. The first is the frequently slanted way in which Nicholls presents theistic images if the political fruits associated with them are unpalatable. Monarchical images of divinity are seen as inescapably correlated with absolute political sovereignty and totalitarian states (though Nicholls never proves this correlation). Self-governing Hebrew tribes, Puritan republicanism and the emphatically anti-Nazi politics of Karl Barth would seem to belie the assumption that those who believe in an omnipotent God are predisposed toward totalitarian politics. Antonio Salazar, whose Portuguese authoritarianism Nicholls finds particularly "odious," is cited as an exponent of a monarchical deity. One wonders whether Salazar, an obscure authoritarian leader, receives a special condemnation because of the theology ascribed to him. Barth is turned into an unreliable anti-Nazi because in *Church Dogmatics* he refers to God in terms that Nazis applied to Hitler, as "*überlegener Gebieter* [supreme commander]." It is obviously irrelevant that Barth picked words that he believed the Nazis had misappropriated to describe God as the true leader.

Nicholls' critique of Schmitt is doubly inexcusable. Having borrowed heavily

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from Schmitt's *Political Theology* and George Schwab's commentaries on Schmitt, he proceeds to abuse both authors. Nicholls calls Schwab an "apologist" for Schmitt, whom he presents as a sincere convert to a "totalitarian *völkisch* community." Schwab, however, has only qualified admiration for Schmitt as a legal and political theorist. Thus, while he treats respectfully Schmitt's critical remarks on liberal constitutionalism, particularly in its Weimar German form, he offers no apology for Schmitt's temporary embrace of Nazism. Schwab deals scornfully with that phase in Schmitt's life, but, unlike Nicholls, gets his facts straight. For example, Schwab understands that though Schmitt distinguished between quantitative and qualitative total states, he made that distinction not to endorse the Nazis but to attack them. Schmitt's essay, "Der Staat als Mechanismus bei Hobbes und Descartes" (1937) sharply distinguishes a sovereign state that does not interfere unduly with society and one that does. Almost all Schmitt scholars today agree that the object of this attack is the Nazi state, which by then was hounding Schmitt. Nicholls is also wide of the mark when he characterizes Schmitt's references to "concrete orders" as an adaptation of Lutheran authoritarian concepts to a "*völkisch* total state." F.R. Cristi, among others, has traced this frame of reference in Schmitt's work back to Hegel's *Philosophy of Right*. Cristi and Schwab have highlighted Schmitt's attempt to develop the concept of "concrete orders" as means of preserving the independence of society under Nazi rule.

The second, more serious problem with Nicholls' work comes out in his analysis of the Welfare God. This political theology is said to have produced an overly paternalistic state — one that has destroyed local government without challenging capitalism. A persistent problem with Nicholls' comments on the Welfare Deity is the vagueness of their socio-political referent. Does this benevolent deity necessarily encourage belief in a welfare state economy? From the characteristics assigned to it such an image could assume institutional expression in a liberal capitalist as well as in a democratic socialist economy. Capitalists and socialists could both invoke the Welfare Deity as a divine counterpart to a society furnishing members with inexhaustible material blessings. The worshippers might only disagree whether their shared divinity operates by the Invisible Hand of the market economy or through legions of bureaucrats. It may also be asked whether the kind of welfare state that has developed in the present century owes anything substantial to the Welfare Deity as depicted by Nicholls. For example, Nicholls makes much of Lord Asquith, an Anglican who believed in both social reform and the Welfare Deity. But avid Lloyd George who played a critical role in Asquith's cabinet after 1908 in spearheading reform legislation had no religious belief to speak of. Almost all Fabian socialists who were around at that time were vocal atheists. And what, if anything, did the Welfare Deity contribute towards the conceptualization of Scandinavian welfare states after WWI? A detailed study on Swedish social democracy, by Allan Carlson, makes the obvious point that Swedish social planners were scientific *natalists*. Though

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these planners set out to win the support of Lutheran peasants, they despised Christianity as incompatible with their own naturalist assumptions. Their hope was to wean others away from theology, not to impose theistic images.[1]

Though a committed Christian and an Anglo-Catholic clergyman, Nicholls takes an eccentric view of theological, and particularly Trinitarian, positions. He judges them as means toward advancing a preferred political agenda. This is particularly true in his effusive praise of Nicolas Berdyaev. Rejecting a "slavish posture towards God" identified with Barthian theology, Berdyaev allegedly questioned both state sovereignty and a divine sovereign: "His passion for freedom led him on the one hand to a kind of anarchist position in politics and on the other to belief in a God who is characterized by a loving and suffering involvement in the tribulations of the world and who inspires and liberates rather than dominates mankind." Nicholls' assent to Berdyaev's "religion of emancipation" skirts the question whether Berdyaev's beliefs were traditional Christian ones. Are the charges against Berdyaev that his deontologized theology was nihilistic and reduced God to mere process warranted? As a Christian theologian Nicholls might have grappled with this question. Yet he seems to find the matter of established Christian doctrine extraneous to his judgment of other theologians. Berdyaev is presented as spiritually admirable and English divines who prayed to a paternalistic deity earn Nicholls' disapproval — in both cases, because of the presumed political effects.

Nicholls' approach is reminiscent of the Catholic "democratic capitalist" Michael Novak. Novak spent eight years urging Catholics to be sympathetic to the Reagan Revolution. Unlike Novak, however, Nicholls wants to hold on to Christ. It is God the Father whom he finds politically disagreeable. He even claims that "theological rhetoric" is "the mother of political change," as can be seen with the Sandinistas, who pray to a working-class divine father "with a weather-beaten face."

The subordination of theological means to political ends is by no means limited to Christian socialists such as Nicholls. The same tendency could and still can be found on the postwar American Right, particularly in its struggle against Marxism. There a neo-Thomist theology has been put forth as an antidote to atheistic materialism and to the intellectual movements out of which Marxism is alleged to have arisen. Eric Voegelin, Thomas Molnar, Gerhart Niemeyer, and Ellis Sandoz down to Murray Rothbard, charge that Neo-Platonists, medieval mystics, Italian Renaissance alchemists and German idealists all paved the way for Marxist revolution. The Neo-Platonists' view of the reabsorption of all souls into their divine source, Meister Eckhart's mystical intuitions about the unity of all life forms, the scattered predictions of Gnostic heretics awaiting a cosmic transformation, and, above all, Hegel's stress on historical process as the key to human understanding, are seen as the foundation of Marx' thinking.

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1. Allan Carlson, *The Swedish Experiment in Family Politics* (New Brunswick, NJ: Transaction, 1990).

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Such modern political theologians should note what Carl Schmitt did not mean when he undertook to plot the correlation between theological and political ideas. His observation that "all political theories are secularized forms of theology" is analytic, not prescriptive. Schmitt believed that Catholic subjects were generally more willing than their Protestant counterparts to submit to sovereign authority. Never did he urge Protestant rulers, however, to make their subjects Catholic in order to render them politically docile. Though Schmitt examined the effects of the erosion of religious beliefs, he never thought that one political change or counterrevolution could be engineered by theological manipulation. He would therefore not be surprised that many Catholics today appeal to Papal sovereignty and the teaching function of the Catholic hierarchy, but then hasten to offer glosses on what Popes and bishops "actually mean." Protestant anarchy reigns even among those who invoke Catholic ecclesiastical authority.

Some of Schmitt's commentators, including David Nicholls, see him as turning toward a German national community because the Catholic Church could no longer generate communal loyalties. Only half of this claim is correct. Nazi theorists properly ridiculed Schmitt for his insincere turning toward nationalism, a charge that the S.S. journal *Das Schwarze Korps* made savagely more than once in the mid-thirties. On the other side, Schmitt ceased to believe, as Günter Maschke demonstrates, that the early modern Catholic society to which he looked back nostalgically, was any longer relevant. A sober historicist, though one having providential faith, Schmitt took as a maxim that: "*Ein geschichtliche Wahrheit ist nur einmal wahr.*" He did not seek to impose theological paradigms on a society that had turned away from them. Nor did he think it feasible to talk people into accepting an alien or unconvincing theistic image which might have politically beneficial results. It is therefore hard to blame Schmitt for the current misapplication of political theology. Such hand-to-mouth theologies contribute neither to a believable deity nor to legitimate domination. They dramatize without solving the predicaments that bring about their creation.

Paul Gottfried

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Nietzsche as a Liberal

Mark Warren, *Nietzsche and Political Thought* (Cambridge, MA: MIT Press, 1988).

In *Nietzsche and Political Thought*, Mark Warren confronts a crisis in current liberal political theory: the collapse of the concept of "subject, agent, and self." Where it was once possible to rely on these concepts of the self as the ground of political interaction, he argues that in the age of post-modernism all discussions of political responsibility predicated on such foundations are groundless. Thus he proposes a theory of agency suitable for liberal democracy. For guidance, he examines Nietzsche's philosophy of the self, i.e., the will to power — a concept he considers transitional between modernism (substance metaphysics) and post-modernism (groundless situatedness). No longer an isolated entity but a locus of action in the world, the agent is both able to act and to be identified as such.

Warren's goal is laudable, but his methods are unsound. In the preface he distinguishes between Nietzsche's "philosophical concerns" ("ontology, epistemology, and ethics") and his politics (xi). But since when has politics not been philosophical? Warren must make this distinction because of his explicit rejection of Nietzsche's politics as aristocratic and hierarchical, i.e., inimical to all forms of liberalism. Thus Nietzsche's undeniable rejection of liberalism leads Warren to distinguish between Nietzsche's "inessential" political conclusions and the "progressive aspects of his philosophy" (3).

The problem, however, is much deeper. Having separated politics from the rest of Nietzsche's philosophy, Warren wants to treat the will to power as a "critical postmodernism": a sort of halfway house between traditional metaphysics and the post-modern celebration of the *aperion*, whose tendencies towards tyranny are cloaked in irony, frivolity and silliness — none of which is conducive to liberal regimes. Warren wants to build an interactional society in which all agents will be self-realizing individuals in ways which do not obstruct other agents on this vague position. While Warren recognizes that this state of affairs may not result in what neo-classical economists call the bliss point, it will not result in fascism — the specter of which haunts his entire book in his distaste for post-modernism.

Warren's failure can be traced to a misuse of the troublesome *Nachlass*. In his preface, he discusses several approaches to the fragments, especially those dealing with *The Will to Power*. But instead of discussing *how* to use these writings, he only cites them. As is well known, Nietzsche abandoned them. But

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that does not mean that they should be thereby dismissed — just that one must *first* explain why Nietzsche *should* have abandoned them. Without doing so, Warren treats the notes assembled in *The Will to Power* as first-rate Nietzschean philosophy. They are accepted as if they were a given. Yet, these notes are fundamentally *political*: class concepts referring to the power of the masters and the impotence of the slaves before that power. As such, it implies more than one class: in Nietzsche's case that means two classes, the strong and the weak.

One can now explain *why* Nietzsche abandoned the will to power as an *ontological* concept: it implies a unity, whereas the class origins of the concept presuppose a duality. Except when artificially constrained (as in the fragments), this naturally splits apart, revealing the chasm that was always there. The interpretation of fundamental phenomena requires first that there be interpreters, and these interpreters have class roots. Metaphysics always reaches down into the lowest levels of politics.

Warren almost admits as much when he notes that Nietzsche does not uphold any of the traditional theories of epistemology, while simultaneously using one to dismiss another critically. He also argues that in Nietzsche's theory of perspectives, the coherence, correspondence and utility theories of truth (97) are only partial accounts reified into an isolated standard. But for Nietzsche, a broader class of interpretation must also meet three standards of success. These are intelligibility and coherence, legitimacy in terms of the senses and practicality. The question then immediately arises: *what* successfully demonstrates these traits of interpretation? Warren's answer is: the agent. But Nietzsche's answer is: that it is a world-interpreting class which demonstrates these in the laws and standards it sets for its members.

When discussing reification, Warren himself is guilty of two kinds of reification. First, he reifies the concept of the will to power as if it were ontologically given. Second, he unwittingly reifies the individual as an agent. Despite his desire to avoid liberal atomism, his halfway position does not relinquish the privileging of the subject. Nietzsche's radical contribution, however, is precisely in his shift of focus from the subject *qua* individual to the culture *qua* class. This is not to be confused with his praise for the individual as a good member of his master class, who flourishes in his *additional* uniqueness embedded in the culture of his class.

Warren's reifications result in a world characterized by "individuation, communal intersubjectivity, egalitarianism, and pluralism" (247). This world, in which everyone is a self-realizing individual, avoids the exploitation and oppression of Nietzsche's master class. In Warren's repeated opinion, powerful authority is always oppression, and oppression always seems to be fascism, or one step away. Indeed, Nietzsche's politics is repeatedly juxtaposed with fascism because of its emphasis on authority. In so doing, Warren ignores Nietzsche's insistence that non-oppression is also a form of oppression, perhaps the most oppressive in its subtlety.

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For Nietzsche cultural conflicts or clashes of "tastes" are always class conflicts. While principles may be universally dispersed, power does and must have centers. Here we run into another of Warren's reifications and his most significant misuse of Nietzsche's texts. He believes that there is one and only one social form of self-realization and that this "self-realization" is not a temporal, class idea. Yet Nietzsche insists that the *rule* of the democratic non-oppressive herd (i.e., liberalism and socialism) is precisely the oppression of the master types who can and *must* create themselves only through domination, i.e., *their* oppression of others. Warren's attempt to use Nietzche in redeeming liberalism is another example of the herd speaking with a good conscience, i.e., unconsciously.

Although Warren addresses neglected or sanitized aspects of Nietzsche's philosophy running against the grain of popular (and his own) values, his treatment of Nietzsche's politics reduces it to an abstract set of axioms, despite his emphasis on Nietzsche's historicity. This leads him to describe Nietzsche's "great politics" as "a shorthand for political struggles engendered by cultural transitions with their shifting definitions of selfhood" (44). For Nietzsche, though, great politics was the politics he hoped for in future centuries of *European* history in which the pettiness of *European* nationalist struggles were to be overcome by a Napoleonic-type of *European* unification; *European* culture would then conquer the world making it safe for the *European* master class and its rule by power and *European* art.

The book's main contribution is Warren's criticism of Derrida's attempt to reduce Nietzsche's philosophy to a contentless style, or to style as content. Granted, Derrida is unable and unwilling to recognize Nietzsche as a political philosopher. These points are valuable, but they remain offset by Warrens' attempts to "save" Nietzsche from his cultured European tendencies by making him acceptable for liberalism.

Robert A. Jacques

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